

Crime and the economy of makeshifts: Kent and Oxfordshire 1830-1885

Adrian W. Ager (2011)

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ADRIAN WILLIAM AGER

***OXFORD BROOKES
UNIVERSITY***

***CRIME AND THE ECONOMY OF
MAKESHIFTS***

KENT AND OXFORDSHIRE

1830-1885

SUBMITTED IN PARTIAL FULLFILLMENT

OF THE

REQUIREMENTS OF THE AWARD OF

PhD.



Figure 1.1: Counties of England

Source: <http://www.picturesofengland.com>

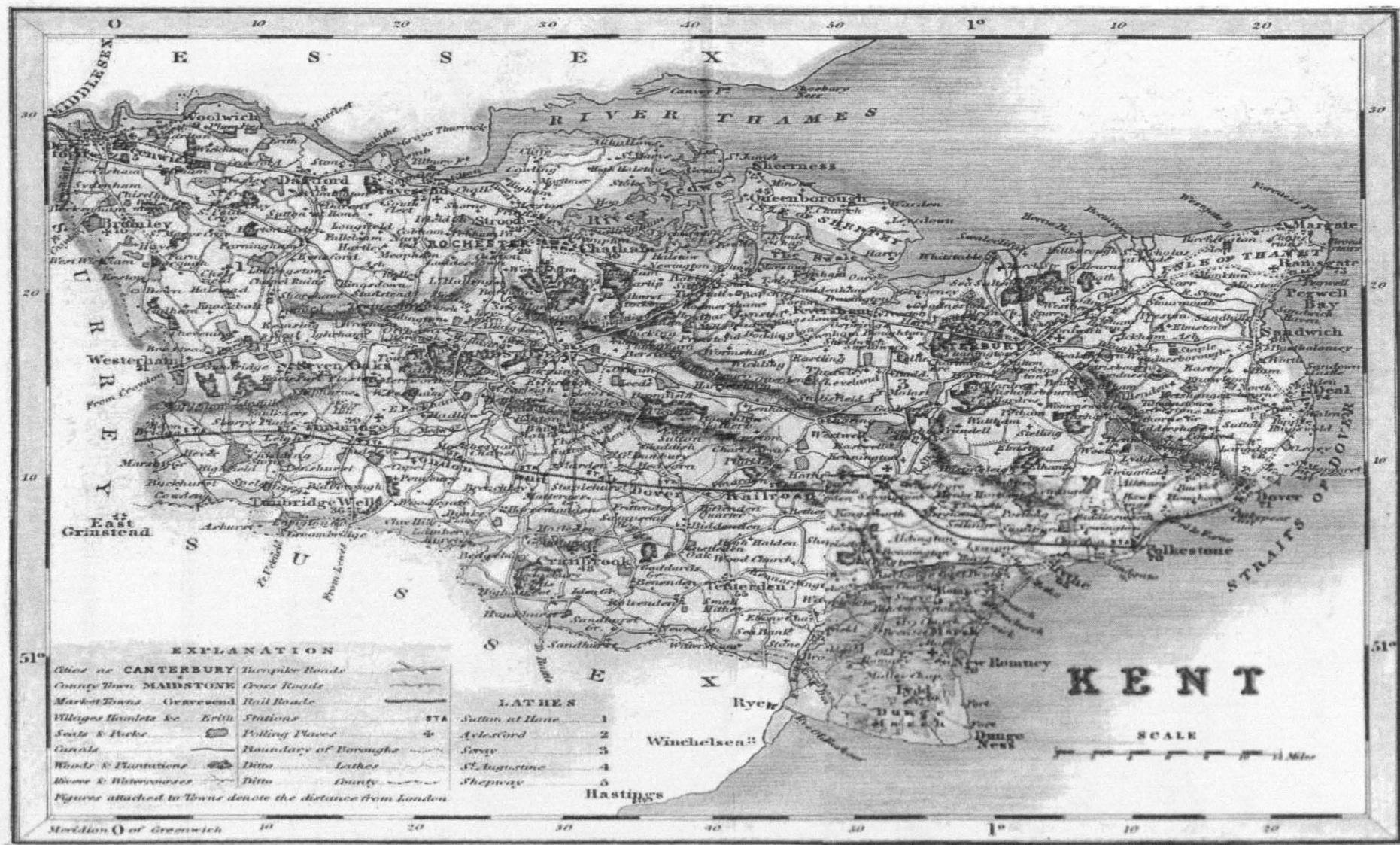


Figure 2.1: Map of Kent by J. Archer circa 1840

Source: <http://freepages.genealogy.rootsweb.ancestry.com>



Figure 2.2: Map of the Hundred of Chatham and Gillingham by Edward Hasted circa 1798

Source: <http://www.british-history.ac.uk/>

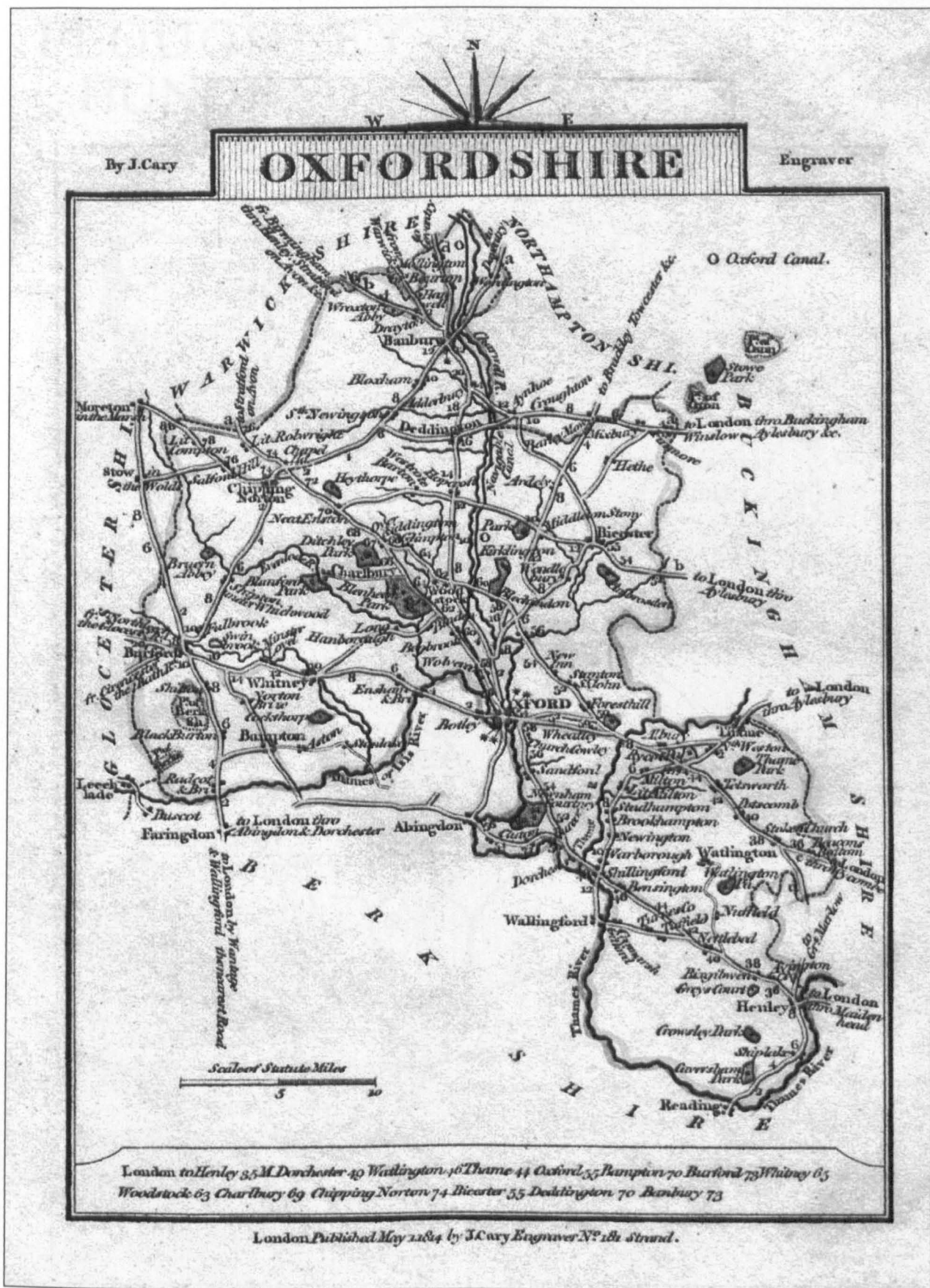
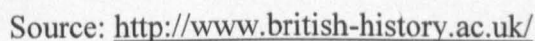


Figure 3.1: Map of Oxfordshire by John Cary, circa 1810

Source: <http://freepages.genealogy.rootsweb.ancestry.com>

0 $\frac{1}{2}$ 1 2 3 4 Miles



ABSTRACT

This thesis examines the link between legislative reforms, crime and the makeshift strategies that the poor used to support their households the Medway basin and rural districts in north Oxfordshire between 1830 and 1885. In short, this thesis considers whether the poor relied on different criminal strategies to maintain their makeshift households in both rural and urban environments. To this end, it examines how the labouring population in the two regions coped with a raft of legislative reforms and the sort of socio-economic changes that occurred over the longer term. This thesis also demonstrates how the technique of Record Linkage can help eliminate some of the problems that arise when data-sets are incomplete, or when source documents are missing. To fulfill these objectives, this thesis is divided into eight chapters. The first of these outlines the research questions and definitions that are used throughout this survey. Chapter two engages with the current historiography that relates to the study of crime and poverty in Kent and Oxfordshire in the nineteenth century. It establishes how this thesis improves our understanding of the way that legislative reforms and socio-economic change helped to shape the criminal strategies that the labouring poor utilised in the two regions, between 1830 and 1885. Chapter three identifies the socio-economic emergence of the Medway basin as an industrial centre and explains why similar changes did not occur in Oxfordshire. The chapters which follow detail how population growth and industrial development affected labour markets and the distribution of welfare in the two regions. In doing so, they establish whether the poor in the two regions were reliant on the proceeds of crime to support their makeshift households, or whether they simply exploited weaknesses in the administration of local government institutions, so that they might improve the state of their household economies. When considered together, this thesis establishes that crime was one of the components that the labouring poor in Kent and Oxfordshire used to support their makeshift economies, when legislative reforms and socio-economic change threatened to undermine the solvency of their households.

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ABBREVEATIONS

BMC	Bicester Magistrates Court
CDML	Chatham Dockyard Museum and Library
HF	Home Farm Estate Records, Newton Morrell, Oxfordshire
JOJ	Jacksons Oxford Journal
KCA	Kent County Archives, County Hall, Kent
MM	Maidstone Museum, Kent
MLSC	Medway and Local Studies Centre, Strood, Kent
OCLS	Oxfordshire Centre for Local Studies, County Library, Oxford, Oxfordshire
OCRO	Oxfordshire County Records Office, Oxford, Oxfordshire
PP	Parliamentary Papers
PC	Private Collection

Introduction

This thesis evolved out of an idea that was originally conceived for an undergraduate dissertation. It is clear from the research that supported this and the current project, that historians have for some time been interested in the relationship between crime and socio-economic conditions. Yet it is also apparent that for the most part, their efforts have concentrated on the effects that industrial growth and urbanisation had on criminal activity, rather than how extensively criminal behaviour was motivated by poverty. David Phillips for example, has shown how the system of law enforcement in the heartlands of the *Black Country* was shaped by the expansion of industry during the Victorian period.¹ More recently, Anne-Marie Kilday has acknowledged that the character of crime varied between rural and urban settings in the eighteenth century.² Kilday's study clearly deserves recognition for the way that it draws attention to some of the factors that influenced the commission of crime in towns and the countryside. However, it seems reasonable to suggest that any study that wishes to provide a balanced view of the connection between crime and poverty also needs to demonstrate how the administration of the poor laws affected the household economies of the labouring population.

Both of the studies mentioned above, are located within timeframes when welfare provision was undergoing considerable change. Kilday's survey for example, focuses on the years when taxpayers were growing increasingly resentful of the poor and parish officials were beginning to scrutinise all forms of assistance to paupers.³ In turn, Phillips' study covers a period of transition,

¹ David Phillips, Crime and Authority in Victorian England (London: Croom Helm Ltd, 1977).

² Anne-Marie Kilday, "'Criminally Poor?' Investigating the link between Crime and Poverty in Eighteenth Century England', in Steve A. King and Richard M. Smith (eds.), Poverty, Poor Relief and Welfare in England from the 17th to the 20th Century (Woodbridge: Boyell forthcoming 2010).

³ Paul Slack, The English Poor Law 1531-1782 (Basingstoke: Macmillan Education Ltd, 1990).

when the administration of the poor laws was increasingly overseen by a central agency.⁴ Yet neither of these studies looks in any great detail at how these contextual changes might have contributed to criminality among the labouring classes.

In this respect, this thesis has a lot more to offer because it considers whether the labouring poor used the proceeds of crime to replace income streams that were lost through the sort of socio-economic changes that were outlined above. To this end and by way of an inter-regional study, it compares how labouring households in rural and urban environments coped with the process of industrialisation between 1830 and 1885. The investigation focuses on the Medway towns of Kent and the rural districts surrounding the Ploughley Hundred in North Oxfordshire (see Figures 2.1-3.2). The reasons why these particular locations and timescale were chosen will be discussed in more detail shortly. However, for the moment it will suffice to say that they developed very different social and economic identities over the course of the nineteenth century. These differences allow this thesis to address four main research questions. The first of which relates directly to the title of this thesis and by association to a study produced by Olwen Hufton in the 1970s. Hufton used the expression, *the economy of makeshifts* to describe the various mechanisms that paupers used to support their households in eighteenth century France.⁵ Because the phrase is pivotal to the study being carried out by this thesis, the next chapter will offer a more detailed explanation of how the term has been used by historians to describe the various mechanisms that the labouring poor used to supplement their regular earnings.

Having achieved this aim, this thesis will answer the following research questions. Firstly: can the term *the economy of makeshifts* be used to describe the different mechanisms that the poor

⁴ David Englander, Poverty and the Poor Law Reform in 19th Century Britain, 1834-1914 From Chadwick to Booth (Harmondsworth: Longman Ltd, 1998).

⁵ The term was first used by Olwen Hufton in the 1970s, to explain the different components that French paupers used to support their households. Olwen H Hufton The Poor of Eighteenth Century France 1750-1789 (Oxford: Clarendon Press, 1974), especially chapters III and IV.

in Kent and Oxfordshire used to maintain their households in the nineteenth century? Secondly, how were poor households in the two regions affected by legislative reforms and the sort of industrial growth that occurred between 1830 and 1885? Thirdly, to what extent were the poor prepared to step outside the boundaries of the law, if reforms outlawed practices that they relied on to support their makeshift households? Finally, and building on these earlier questions: how were these criminal strategies shaped by the kind of socio-economic conditions that existed in rural and urban environments during the nineteenth century?

Methodology

The purpose of this chapter is to explain in more detail why these particular topics and research questions were chosen for discussion and to highlight the contribution that this thesis makes to debates surrounding the relationship between crime and poverty. To this end, the first part of the chapter outlines why the two regions were singled out for consideration. In so doing, it identifies key areas of difference between the two economies and gives some sense of how these differences affected labour-markets and in turn the prospects of the poor in Kent and Oxfordshire. The next section looks at why the timescale mentioned above was chosen as a suitable framework for study. To do this it provides a brief overview of the kinds of difficulties that legislative reforms and industrial expansion presented to labouring households in the two regions. The third part provides a detailed breakdown of the different sources that have contributed to this study. This analysis also describes the range of methodological approaches that have been used throughout this work. The final section focuses on the structure of this thesis. In particular it identifies common links that exist between individual chapters. In the process it provides an overview of the main research questions that are addressed in each chapter and what they aim to achieve.

The geographical focus of this investigation centres on the Medway towns of Kent and the rural districts surrounding the Ploughley Hundred in North Oxfordshire. Primarily, the two regions

were chosen because during the period under study in this thesis, they developed very different social and economic identities. The Ploughley Hundred for example, experienced little in the way of industrial growth for much of the nineteenth century. In short, this was because little capital or effort was expended on improving the region's transport infrastructure, or encouraging investment in manufacturing.⁶ In comparison, the Medway basin emerged as a major centre for ship repair and saw building industries spread throughout the region as the demand for construction materials in London increased.⁷ This contrast allows this thesis to show how the poor in rural and urban environments dealt with industrial change in two very different socio-economic environments. Consequently, the aim of this study is to establish whether these changes prompted the poor to rely on the proceeds of crime to supplement their makeshift households, when they were faced with periods of economic uncertainty.

It seems reasonable to suggest that one way to test this hypothesis is to look at how socio-economic change affected poor households over a relatively long time-frame. There are several reasons why the years 1830-1885 were regarded as a suitable point of reference in this respect. Firstly, it is clear that the early decades of the nineteenth century marked a period of enormous social, political and economic upheaval.⁸ In the midst of this change, poor households came under increasing pressure from legislative reforms. For the purposes of this chapter, the 1830s can be singled out for particular attention because they marked a period of transition from the Old to the New Poor Law. Under the old system, which was established in the Elizabethan era, paupers who needed assistance with their living costs were entitled to relief outside of the workhouse. By the

⁶ See: Arthur Young, A View of the Agriculture of Oxfordshire Drawn up for the Board of Agriculture and Internal Improvement By the Secretary of the Board (London: McMillan, 1809) and Steven King and Geoffrey Timmins, Making Sense of the Industrial Revolution English Economy and Society 1700-1850 (Manchester: Manchester University Press, 2001), 187-8.

⁷ J.M. Preston, Industrial Medway: An Historical Survey (Rochester: J M Preston, 1977).

⁸ C.P. Hill, British Economic and Social History 1700-1982 (London: Edward Arnold Ltd, 1986), especially 7-9, 17-20 and 40-5.

1820s, however, large swathes of the pauper population were classed as undeserving and as a consequence received little help from the parish.⁹ In response to the rising cost of relief, the system was reviewed, and by 1834, new legislation was being introduced. Under the terms of the 1834 New Poor Law, the able-bodied were no longer eligible for relief unless they agreed to enter the workhouse.¹⁰ However, workhouse space was limited. Yet it was also the case that many sections of the poorer classes were unwilling to endure the conditions that were imposed on inmates inside these institutions.¹¹ As a result, a large portion of the labouring population was thrown back on its own resources at a time when traditional labour markets in the countryside were contracting. The situation was no less precarious in the towns and cities where unskilled labourers were often employed on a casual basis when the demand for their services was greatest.¹²

Individuals who might have been tempted to fall back on crime to mitigate the effect that these changes had on their households, however, had to contend with the fact that the criminal justice system was also being overhauled contemporaneously. In part, this was because opponents of the death penalty had lobbied successfully for the number of capital offences to be reduced.¹³ As a result, individuals, who had previously been reluctant to prosecute in case the defendant was hanged, were now more likely to seek redress through the courts.¹⁴ At the same time, the range of summary justice increased and as a consequence, magistrates sitting in petty sessions dealt with a

⁹ Steven King, Poverty and Welfare in England 1700-1850: A Regional Perspective (Manchester: Manchester University Press, 2000), 18-27.

¹⁰ For more on what this change meant for poor households see: King, Poverty and Welfare, 27-40.

¹¹ Michael E. Rose, The English Poor Law 1780-1930 (Plymouth: David and Charles Ltd, 1971), p. 160 and 170-1.

¹² King and Timmins, Making Sense of the Industrial Revolution, 311-4.

¹³ Leon Radzinowicz and Roger Hood 'Judicial Discretion and Sentencing Standards: Victorian Attempts to Solve a Perennial Problem', University of Pennsylvania Law Review, Vol. 127, No. 5 (1979), 1288-1349.

¹⁴ Clive Emsley suggests that many prosecutors tried to have offences downgraded, so that the accused did not face the ultimate penalty of a death sentence. See: Clive Emsley, Crime and Society in England 1750-1900 (Harlow: Longmans, 1996), p. 185.

greater number of offences. In turn, this amendment reduced the expense of prosecutions and allowed offences to be dealt with more quickly.¹⁵ The penal system also underwent considerable change as custodial sentences started to replace transportation as a form of punishment.¹⁶ Reforms that were introduced during the second half of the nineteenth century also brought the constabulary and prison system under central control.¹⁷ In many cases, these adjustments enabled the authorities to exert greater control over the labouring population. Yet, it would be wrong to suggest that they were instituted in a uniform manner across all regions or that the different agencies co-ordinated their efforts to any great degree. In fact the contrary was true. As Steven King points out with respect to the welfare reforms:

local administrators under both the old and new poor laws had to balance the instructions of 'the law' against a range of competing and conflicting restrictions on their actions in the working out of local poor law policy.¹⁸

Similar rhetoric also applied to the administration of the constabulary, even after the County and Borough Police Act 1856 was introduced. Under this piece of legislation, the police were organised on a national basis. Even so, local authorities still exercised considerable control over how regional forces were structured and administered their affairs. As a result, there was great variation in the way that these forces functioned and this undoubtedly had an impact on their operational

¹⁵ Phillips, Crime and Authority, 132-3.

¹⁶ Emsley, Crime and Society, p. 272.

¹⁷ Norval Morris and David J. Rothman (eds.), The Oxford History of the Prison: The Practice of Punishment in Western Society (New York: Oxford University Press, 1998), 92-8.

¹⁸ King, Poverty and Welfare, p. 31.

effectiveness.¹⁹ In turn, it would be wrong to suggest that the central authorities adopted a blanket approach when they introduced new legislation. Sometimes, reforms had limited jurisdiction. Such was the case with the Contagious Diseases Acts that were introduced in the 1860s. They were supposed to reduce incidents of venereal disease among service personnel. However, they were used almost exclusively against women. The acts entitled the authorities to detain and inspect females who were suspected of being prostitutes.²⁰ The authorities in the Medway town had dispensation to use the acts because there was a concentration of naval and military bases in the area. In contrast, no installations of this sort existed in north Oxfordshire. Consequently, officials in the Ploughley Hundred did not have the authority to use the acts against women who they suspected of working as prostitutes, during the entire period that the Contagious Acts were on the statute books.²¹

Two things should be apparent from the above. Firstly, that local needs helped to shape the character of justice in particular localities. Secondly, that the period 1830 to 1885 marked a period of enormous social, political and economic change. By using this timeline as a point of reference, this thesis demonstrates how the process of industrialisation and legislative reforms affected labouring households in Kent and Oxfordshire. At the same time it is also able to illustrate how the situation altered over time. In addition, it shows whether the poor in either region turned to crime when practices that they relied on to support their makeshift economies were outlawed or scaled back by the new legislation. This study also gives a clear indication of how the authorities in both areas responded to behaviour that was deemed socially unacceptable and explains the impact that they had on criminal activity in the Medway basin and Ploughley Hundred. Such an approach goes

¹⁹ Paul Hastings, 'Crime and Public Order', in Frederick Lansberry (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), p. 243.

²⁰ Judith R. Walkowitz, Prostitution and Victorian Society: Women, Class, and the State (Cambridge: Cambridge University Press, 1999), 70-89.

²¹ Ibid.

beyond what has been achieved separately by welfare and criminal historians.²² It also avoids some of the criticism that has been levelled at studies that are concerned more directly with the link between socio-economic change and crime.²³ For instance, Caroline Conley's study of crime in Kent during the Victorian period offers little sense of how attitudes towards criminality altered over time. This is because the 'chronological boundaries' of her investigation cover just a couple of decades during the second half of the nineteenth century.²⁴ Because the thesis spans the period 1830-1885, it is able to avoid pitfalls of this sort. In the process it is also able to take advantage of a wider selection of documents than would have been possible had the timeframe been shorter.²⁵ Unfortunately, it is impossible to provide a detailed breakdown of all of the sources that have contributed to this thesis because of spacial limitations. To overcome this problem the next section will review the records under four broad category headings: Parliamentary Papers, poor law reports, court records and literary sources such as newspaper and journal articles. For reasons of practicality, it deals with each of these in turn, describing their provenance and main characteristics. This should provide some context for their usage.

(a). Parliamentary Papers and Judicial Returns

It will be noted that citations for Parliamentary Papers appear with some regularity throughout this thesis. The Victorians had a particular predilection for gathering information of all sorts and the

²² For example, Steven King's study of poverty and welfare in England makes no attempt to establish links between crime and welfare provision. See: King, Poverty and Welfare, *passim*.

²³ Conley, Carolyn, The Unwritten Law Criminal Justice in Victorian Kent (New York: Oxford University Press, 1991), *passim*.

²⁴ Ibid.

²⁵ Ibid.

Parliamentary Papers' collection forms just a small part of this repository.²⁶ Even so, these documents are important because they provide clear insights into how the affairs of state were administered at both a national and local level during the nineteenth century.²⁷ Although they are too numerous and varied to be discussed in any great detail here, they can for simplicities sake be divided into high and low level reports. By definition, the first category of reports includes documents like abstracts of national population returns and criminal statistics. Frequently they contain less than a dozen pages and were never meant to provide a detailed breakdown of how the different organs of government functioned. Instead, they served a very different purpose. For instance, to show how poor law expenditure or constabulary numbers varied between regions. Others provide an overview of how many individuals were indicted for certain offences nationally.

This information can be used in a variety of ways to identify regional differences and to track changes over time. A series of population returns for example, can give a clear indication of how quickly certain areas urbanised or whether they underwent periods of depopulation. In contrast, relief lists provide details about the age, sex and numbers of individuals who were dependent on the poor laws. Much can be learned about the state of local economies when information from these reports is pooled. Similarly, judicial returns hold important statistical information about police numbers, offender behaviour and sentencing patterns. Again, this information makes it easier to draw comparisons between regions and in turn, for judgements to be made about whether authority figures had a grip on crime in particular districts. Yet, by their very nature, these high level reports say very little about the individuals who were involved in the decision making process, or more to the point, those who were affected by it.

²⁶ Clive Emsley's study of crime and society between 1750 and 1900, gives a sense of the enormous amount of data that was gathered by state enumerators. For more on this see: Emsley, Crime and Society, 21-55.

²⁷ See Norman Gash's comments for more about the variety and historical significance of the House of Commons Parliamentary Papers: <http://parlipapers.chadwyck.co.uk/infoCentre/about.jsp>

The sheer volume of available material was also problematic. It would for instance have been impossible to make use of all the information that is available from population returns or judicial reports for the whole of the period covered by this thesis. In most cases and where available, the high level reports were selected at ten year intervals, starting from 1830. This enabled extraneous material to be filtered out and still allowed differences between districts to be identified and tracked over time. Sometimes, however, it was necessary to use high level reports that were closer together time-wise to correlate specific acts of criminality to the kind of socio-economic conditions that existed in Kent and Oxfordshire at particular times during the nineteenth century.

(b). Local Reports

Information that was more relevant to the administration of government bodies or local institutions was also extracted from lower level reports. This included statements that were made before select committees, committal registers and correspondence between local authorities and the government. For instance, witnesses called before select committees frequently had expertise or knowledge in a certain area. They were asked to testify on matters as varied as labour-markets, policing and the judiciary. Often their comments reveal much about the machinery of local government. It needs to be recognised, however, that committee meetings were formal affairs. In contrast to the higher level reports, these documents often run to hundreds of pages. Potentially, this could mean that enormous amounts of material might have to be sifted through before the relevant information was obtained. Two solutions to this problem were found. In both cases a strict search criterion was used to extract information from these reports. Documents that were in paper form or on microfilm were scanned visually and only information that was relevant to this thesis was extracted. In short, this meant that data was set aside if it made no reference to petty offences like poaching, riots, prostitution and vagrancy or could not be used to connect these offences to the kind of socio-

economic conditions that existed in Kent and Oxfordshire between 1830 and 1885. Luckily, many of the higher and lower reports of the sort described above have been digitalised. This allowed keyword searches for particular offences, years and localities to be used to screen out material that was irrelevant to this study.

Inevitably, some data was overlooked using this approach. There is also no way of knowing whether these records were free from bias, or whether they offered an accurate assessment of the events they described. For instance, information gathered by government officials served a particular purpose. Moreover, committee hearings of the sort described above were formal affairs. The setting and agenda undoubtedly influenced the dialogue that took place between the panel and witnesses. Social rank and political affiliations may have affected the outcome of discussions and almost certainly had some bearing on the opinions that were expressed while the proceedings were in progress.²⁸ In order to reduce the impact that these factors might have had on the study being carried out here, it was decided that this thesis should draw on a wider range of source material. Document searches that were carried out during the planning stage of this project indicated that the poor law records for the areas under survey in Kent and Oxfordshire were largely intact, for the whole of the period between 1830 and 1885. Of particular interest were a series of indoor relief lists belonging to the Medway Union, which appeared in the catalogue of the Strood archives in Kent. The listing suggested that these records contained both qualitative and quantitative data on how the Medway Union functioned as a poor law institution between 1848 and 1867.²⁹

²⁸ A similar point is made by Alun Howkins and Nicola Verdon in their review of the 1834 Poor Law Report. For instance, they strongly suggest that the answers that respondents gave to particular questions were often jaded by self-interest. For more on this see: Alun Howkins and Nicola Verdon, 'Adaptable and Sustainable? Male Farm Service and the Agricultural Labour Force in Midland and Southern England, c. 1850-1925', *Economic History Review*, Vol. 61, No. 2 (2008), p. 469.

²⁹ By this, the author means the names and particulars of individuals who were in receipt of relief. This information offers insights into how frequently individuals or their families were assisted by

Unfortunately, however, these records were found to be in an extremely fragile state and requests to access them were turned down by the archivist who was responsible for the collection at Strood.³⁰ By some good fortune, similar records for neighbouring unions were found to be still in the public domain. Together, with poor law reports for the Ploughley Hundred, these documents have provided the foundations for an intimate understanding of the relief practices that were in use in Kent and Oxfordshire between 1830 and 1885. In addition, the guardian's minute book for the Medway Union still resides in the Local Studies Centre at Strood in Kent. The document which spans the period 8th September 1835 through to 7th August 1837, provides a first-hand account of how the newly formed union conducted its affairs during the transition from the old to the new poor law. The ledger contains biographical details for some of key personnel who were involved in running the union, as well as the minutes of meetings and communications that the board had with the central authorities. This information has been used in a variety of ways in this thesis. For example, entries from meetings were pieced together in chapter five to show how closely the union adhered to the edicts of the 1834 New Poor Law, on matters as varied as pauper segregation and the use of severe workhouse regimes.³¹ They were also used to highlight areas of disagreement between the board and the Poor Law Commission. Mostly this was when the Commission's directives conflicted with local interests.³² Again, this information has been used in this thesis to

the union. This in turn allows judgements to be made about their socio-economic status. By consolidating information that is available across a series of reports it is possible to track changes over time and to identify seasonal trends. Again, at a higher level, this information is useful for understanding how relief practices were geared to the sort of socio-economic conditions that prevailed in a particular area at a given time.

³⁰ The Indoor Relief Lists: 1848-55, 1857-9, 1860-64 and 1865-7 are now awaiting transfer to microfilm at the Strood Archives in Kent.

³¹ Medway Poor Law Union Minute Book. [Document number: G/Me/Am1; Medway and Local Studies Centre, Strood.] For more on spatial separation see: Felix Driver, Power and the Pauperism: The Workhouse System, 1834-1884 (Cambridge: Cambridge University Press, 1993), p. 65.

³² Medway Poor Law Union Minute Book. [Document number: G/Me/Am1; MLSC.]

demonstrate how much influence the central authorities exerted over the Medway Union. On both counts, these sources allowed this thesis to show how patterns of criminality may have been affected by the provision of welfare in the Medway basin.

Other documents have been used in a similar way. For instance, in the early 1840s, the central authorities instructed all unions to establish visiting committees. Their purpose was to ensure that all workhouses were audited on a weekly basis.³³ The Bicester Union's visitors' book from this period is stored in the county archives in Oxford. It reveals much about the workings of a poor law institution. This information has been used in two ways in this thesis. Firstly, and in order to gain a clearer insight into how closely the Union followed the directives of the central poor law authorities, the intervals between the entries were counted. Secondly, individual entries were examined and then used as evidence of the conditions that inmates endured while they were inside the institution.

Unfortunately, the whereabouts of the Medway Union's visitors' book is unknown. This has had some minor impact on the study being carried out here. For instance, it is not possible to say whether the Union established a visiting committee in line with the directives laid down by the poor law authorities. In turn, this absence has made it more difficult to compare the auditing methods that officials in charge of the Bicester and Medway unions used to ensure that their institutions complied with poor law policy. This problem has not proved insurmountable, however, since records for other unions in the vicinity of the Medway basin are still in the public domain. Two documents in particular have proved extremely useful in this respect. The first is the Hoo Union's Punishment Book.³⁴ The entries provide a running narrative on the punishments that were inflicted on the institution's inmates between 1851 and 1918. A number of entries that appear in

³³ Bicester Poor Law Union Visitors Book. [Document number: PLU2/W/A2/1; Oxfordshire County Records' Office, Cowley, Oxford.]

³⁴ Hoo Poor Law Union Punishment Book 1851-1918. [Microfilm number: G/Ho WIp/film number 434; MLSC.]

this document relate to particular individuals who were reprimanded on several occasions. These records were used in a case study to show how the authorities might have responded to acts of insubordination and to highlight how institutional regimes were used to control the behaviour of pauper inmates. A similar exercise was carried out using records belonging to the Hoo Union's Pauper Complaint Book. The book spans the period 1870 to 1913 and documents complaints that were made by inmates about conditions inside the workhouse.³⁵ This thesis uses a number of entries from this book to look at the kind of issues that triggered complaints among inmates and to show what action the authorities took to resolve them. In both cases these studies have allowed this thesis to suggest that union practices may sometimes have encouraged some sections of the labouring poor to rely on the proceeds of crime, rather than enter the workhouse.

It should be apparent by now that localised reports can be used in a variety of ways to augment the sort of information that is available in higher level government returns. Because this thesis is concerned with the interplay between crime and poverty, use has also been made of other regionally specific documents which relate more directly to the administration of local courts and prisons in Kent and Oxfordshire.³⁶ In order to get a sense of how these documents have contributed to this thesis, the next part of this chapter provides a brief overview of some of the key documents that make up this collection.

The first of these falls under the generic heading of Calendars of Prisoners. Credit is due to Carol Richmond among others, for transcribing and assembling the information that is found in the three volumes that make up this collection. Their efforts have brought together documents from the

³⁵ Hoo Poor Law Union; Pauper Complaint Book 1870-1913. [Document number: G/Ho W1z/2; MLSC.]

³⁶ Again, these records are too numerous to discuss in any great detail here. However, a complete inventory can be found in the bibliographical section of this thesis.

county archive in Oxford and the National Archives at Kew.³⁷ The reports that Richmond and her colleagues have amassed, relate specifically to trials that were held at the quarter sessions and assizes in Oxford between 1831 and 1842. As well as containing the personal details of prisoners who appeared at these sessions, they also include background information about the offences that they were alleged to have committed. In addition, they contain the particulars of the individuals who presided over the proceedings, their verdicts and in many cases, the sentences that the guilty received.

Using this information, this thesis does several things. Firstly, it identifies trends in criminal behaviour; not only to show how patterns of criminality differed between districts, but also to highlight how they altered over time. Part of this study also looks at the sentences offenders received. Again, this approach reveals much about the state of justice in the region and the stance that the judiciary took towards particular offences during the first half of the nineteenth century. The original session papers that are held in the Oxfordshire archives, however, are incomplete. Richmond herself acknowledges that this presented some problems with continuity when she was compiling her series of reports. Her solution was to obtain the missing information by combining information from Criminal Registers that are held in the National Archives with trial reports that were published in Jackson's Oxford Journal.³⁸ Undoubtedly, Richmond should be applauded for her pragmatism. Yet one still needs to show some caution when dealing with material that has been transcribed by a third party. For example, errors that have gone unchecked in the host's work, if transferred, might easily distort findings in the recipient's. Richmond appears to have anticipated such criticism and clearly went to great lengths to ensure that her transcriptions could stand up to scrutiny.³⁹ Of perhaps a more pressing nature is the fact that Richmond's series of calendars only

³⁷ For more on this see the introductory notes in Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835 (Witney: Oxfordshire: Black Sheep Publications, 2005), p. 2.

³⁸ Ibid.

³⁹ Ibid.

draw on material from the quarter sessions and assizes. Cases that were heard at the petty sessions are therefore absent from her records. This presented this thesis with some problems, since summary courts were dealing with an increasing number of petty offences during the first half of the nineteenth century.⁴⁰ Clearly, Richmond's series of reports do not reflect this change and as a result, they only offer a partial view of how justice was dispensed in the region at this time. Regrettable as it is, no trace could be found of the kind of low level records which would have provided an understanding of the sort of business magistrates dealt with in the Ploughley Hundred during the 1830s, 1840s and 1850s.

Information extracted from Judicial Returns has been used to close this data gap. Yet, by their very nature these reports offer a less intimate perspective on crime than the more localised petty session records already discussed. For instance, they contain no details about offences that were committed by particular individuals. Instead, they deal more generally with a variety of matters relating to policing and the administration of the criminal justice system. As noted above, there is insufficient space in this thesis to make use of all of the information that these records hold. Nevertheless, as they were published on an annual basis from the late 1850s onwards, they hold a wealth of pertinent information.⁴¹ For reasons of practicality therefore, it seemed sensible for this thesis to draw on reports separated by ten year intervals. There are two reasons why this approach was adopted. Firstly, it allowed trends in criminal behaviour to be identified and tracked between regions and over time. Secondly, it enabled these findings to be linked to the sort of data that is found in poor law records of the sort already described. As a result, this thesis is able to demonstrate how patterns of criminality were connected to changes that occurred in the provision of welfare and labour markets in the Medway Hundred and the Ploughley Hundred during the second half of the nineteenth century.

⁴⁰ Carl H.E. Zangerl, 'The Social Composition of the County Magistracy in England and Wales 1831-1887', *The Journal of British Studies*, Vol. 11, No. 1 (1971), 114-5.

⁴¹ This thesis draws heavily on judicial returns that were published between 1857 and the late 1880s.

The Judicial Returns, however, offer an incomplete picture of criminal activity in the two regions at this time. In the main, this is because offences that went unreported or were determined more informally will not appear in the reports. Moreover, the information that they do contain is of a high level. Consequently, these records provide no insights into the circumstances of individual offenders. The discovery of several volumes of petty session ledgers dating back to the early 1880s has helped to compensate for this shortfall. Kindly, the Crown Prosecution Service granted the author access to this collection as an undergraduate. They contain the personal details of individuals who were tried at the petty sessions in Bicester. They include a brief summary of the offence that the accused was charged with and where relevant, the punishment that they received. In addition, they also contain some particulars about the magistrates and officials who oversaw the proceedings.

To access the information in these records, the images were scanned visually and offences were checked for seasonal trends and instances of recidivism. These tabulations were then used to build up a picture of criminal activity in the Ploughley Hundred. A similar methodology was used with the magistrates' background details, to outline the character of justice in the region. By linking these records with information that is found in census reports and poor law documents this thesis is also able to demonstrate whether there was any link between criminal activity and the kind of welfare provision and employment prospects that were available in the region. At the same time, it has also been possible to show how the composition of the magistrate's bench influenced sentencing decisions during the last years covered by the thesis. In both instances these are important considerations, since the aim of this thesis is to not only to connect criminal activity to poverty, but also to show how extensively the character of justice helped to temper offender behaviour.

Given the amount of time that has elapsed since documents of this sort were created, it is perhaps almost inevitable that some gaps also exist in Kent's criminal records. However, the problems that this presented to this thesis were not on the scale, or as difficult to overcome as those

that were encountered for Oxfordshire. Quarter session rolls and assize records from the 1830s and 1840s still reside in the county's main archive at Maidstone. Similarly, a large collection of court registers and police minute books are held in the Medway Archives and Local Studies Centre at Strood.⁴² This latter collection provides an almost continuous account of the sort of businesses that the summary courts in the Medway basin dealt with on a regular basis. Again, information that was missing from these reports was easily substituted with data from higher level government returns of the sort described above. By using methodological approaches similar to those already outlined above, this information has been used in this thesis to fulfil three aims. Firstly, to explain how criminal activity was linked to the distribution of welfare and employment opportunities in the region. Secondly, to demonstrate how the behaviour of petty criminals was affected by the evolution of the judicial system, the prisons and the constabulary. Finally, to compare how the urban and rural poor dealt with the effects that socio-economic change had on their makeshift households in the Medway basin and the Ploughley Hundred between 1830 and 1885.

The next section provides an overview of some of the key documents that were used to achieve these aims. Two collections need particular consideration. The first of these was compiled on an annual basis for the Assistant Commissioner of the Metropolitan Police. He oversaw the administration of the Contagious Diseases Acts. One reason why the Commissioner's reports are of interest to this thesis is because the Medway town of Chatham was added to the list of districts that were covered by the Contagious Diseases Acts in 1866.⁴³ Judith Walkowitz notes that the Acts of:

⁴² For instance, court registers are available for the periods 1838-1842 and 1859-1861. Similarly court minute books exist in their entirety for the period 1867-1878 and 1883-1885. For more on this see: Court Register [Criminal Business; Details of Evidence] 1838-1842. [Document number: PS/NA/17; MLSC] and Court Register [Criminal Business; Details of Evidence] 1859-1861. [PS/NA/17-18; MLSC]. Also see: Register of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC].

⁴³ Walkowitz, Prostitution and Victorian Society, p.1 and p. 78.

1864, 1866 and 1869 were introduced as exceptional legislation to control the spread of venereal diseases among enlisted men in garrison towns and ports...under the acts, a woman could be identified as a “common prostitute” by a special plainclothes policeman and then subjected to a fortnightly internal examination.⁴⁴

It would of course have been difficult for this thesis to use all of the quantitative data that is contained in the reports.⁴⁵ However, much of this information is available in condensed form in the Commissioner’s report that was published in 1882. So, for purely practical reasons, it seemed sensible to give a greater priority to the data in this document, rather than try to digest and assimilate information from across the whole series of reports. Information extracted from the 1882 report has been used in this thesis in several ways. Firstly, to outline how many known prostitutes were active in the Medway basin during each of the years that the Contagious Diseases were in force in the region. Secondly, to calculate the average age of the women and to establish the parts of the town where they were most active. Further particulars found in the footnotes also enabled this study to show how effective the police operation was in controlling the profession in the town. This data was then used in conjunction with information that is found in poor law records and census documents to show how prostitution was connected to the kind of socio-economic conditions that existed in the Medway basin during the second half of the nineteenth century.

There are, however, some major drawbacks associated with the Assistant Commissioner’s reports. Perhaps the most obvious of these is that they only offer a partial view of prostitution in the Medway basin. In part, this is because they relate specifically to the years when the Contagious

⁴⁴ Ibid, 1-2.

⁴⁵ The Acts were in force in Chatham for seventeen years. They were suspended in 1883 and finally removed from the statute books in 1886. See: Brian Joyce, The Chatham Scandal: A History of Medway’s Prostitution in the Late 19th Century (Rochester: Baggins Book Bazaar/Bruce Aubry, 1999), p. 79 and Walkowitz, Prostitution and Victorian Society, p. 252.

Diseases Acts were in active use. Consequently, they tell us nothing about the link between prostitution, labour markets and the distribution of welfare during the first half of the nineteenth century. By extension, they say nothing about prostitution in areas like the Ploughley Hundred, where the Contagious Diseases Acts were not used at all. This information has to be gleaned from other sources, like newspapers and court reports. Finally, the datasets are of such a high level that they reveal nothing about the circumstances of individual prostitutes. Again, this is problematic given that one of the over-riding aims of this thesis is to establish whether the labouring poor relied on the proceeds of crime to support their makeshift economies.

In this respect, one other set of records have proved to be an invaluable source of information about a range of offences that were committed in the Medway basin during the last years covered by this thesis. With a little luck and tenacity, the author of this thesis managed to track down a collection of committal registers for Maidstone prison that were not in the public domain. The earliest of these ledgers dates back to the winter of 1883. Considering that they had been stored in conditions far from ideal, they are in remarkably good condition.⁴⁶ They contain an extensive array of details about individuals who were imprisoned in Maidstone's county gaol during the 1880s, including their full name; their age; their trade or occupation and place of committal. In addition the notes provide a brief commentary on the offences that they committed; and the sentences that they received. They also contain summaries of previous convictions; the date of their discharge and in some instances, insights into their conduct whilst they were incarcerated.

Clearly, there is considerable research potential locked up in these committal registers. To their further advantage, the records are presently being transferred by volunteers to Excel Worksheets.⁴⁷ The records that have been preserved digitally thus far cover a period beginning at

⁴⁶ The records were recovered from a store-room located in a court house in north Oxfordshire.

⁴⁷ This process of transferring the registers to Excel Worksheets is being executed by volunteers of the University of the Third Age. When this project is complete, it will be possible to browse/search all of the records electronically, according to name, offence, district, etc. The University of the

the end of November 1883 through to the middle of May 1884. The person who is co-ordinating the transfer project also gave his kind consent for the author of this thesis to reproduce the Committal Registers using digital photography. Both sources are now preserved on a computer Hard Drive. This of course has made the process of trawling through large amounts of data much easier and has also allowed the author to carry out random checks to ensure that the Excel versions are accurate. For the purpose of this thesis, the records were scanned using both manual and electronic searches. A note was made of seasonal patterns and incidents of recidivism. This information was used to chart the progress of prostitutes, poachers and other petty criminals through the criminal justice system and to augment what was already known about particular individuals from court documents. For example, it has been possible to show how patterns of criminality were affected by factors like gender and occupation and to see how committals for certain offences fluctuated with the seasons and between districts. In turn, this information has allowed this thesis to look closely at the impact that employment prospects and labour-markets had on crime in the region.

This study clearly resonates with the overall aim of this thesis, since its purpose is to show how socio-economic change affected the strategies that the labouring poor relied on to support their makeshift households. Of course, it would be wrong to suggest that the committal registers are free from problems. For instance, they only contain the briefest details about the lives that individual lived before they entered the prison. Without this information it is difficult to say whether their crimes were motivated by poverty. The narrow timeframe that they cover also gives little sense of how patterns of criminality changed over the longer term.

Third Age (U3A) is a charitable, self help organisation for individuals who are now retired or no longer in full-time employment. The nationwide groups are run by and draw on skills and knowledge of their members. For more on this see: <http://www.u3a.org.uk/about-u3a.html>

(c). Newspapers and Personal Journal Entries

In both respects, newspaper and journal entries have proved to be an extremely useful mine of information. Clearly, they served very different purposes. Personal journals for instance, were seldom intended for public consumption in the same way that newspapers were. Even so, both provide a contemporary viewpoint on events of the day. In order to maintain a sense of balance, this thesis relies on a number of articles that were published in The Times newspaper between 1830 and 1885. The Times was chosen for several reasons. Firstly, it remained in print for the entire period covered by this thesis. This consistency means that changes in public attitudes towards matters relating to crime and poverty could easily be charted. Additionally, it was published in London and had a national circulation. Consequently, the articles that it carried were often of great social and political importance. In the main, use was made of an electronic version of the publication that was accessed via the Gale Databases. Once again, keyword searches were used. The convenience of this approach cannot be overstated. Firstly, it reduced the amount of time that was spent looking through newspapers in print form for articles that were relevant to this thesis. It also allowed articles to be stored and retrieved at will in PDF format on a Hard Drive. Using this approach, bills were tracked through parliament and debates surrounding legislative reforms were followed. For a thesis that is concerned with the effect that new legislation had on makeshift households, this sort of information was clearly of great use. Yet one still needs to be aware that national newspapers like The Times were targeted at an educated and increasingly professional class. Consequently, they were unlikely to find an audience with, or reflect the views of those on the lower rungs of society. It is also likely that the editors failed to pick up on a great number of local stories that would have been of interest to this thesis, because their focus was on national events.

To counter the impact that this had on this thesis, wide use was also made of articles that were published in provincial newspapers between 1830 and 1885. These were of interest because they not only carried articles that were syndicated from the national press, but they also reported on

other issues that were of more concern locally.⁴⁸ It was also advantageous that all of the publications used here appeared on a weekly basis and were continuously in print for the entire period covered by this thesis. This allowed news stories to be followed over a number of weeks and for changes in attitudes towards the local economy, labour markets and crime and justice to be tracked. The first of these, Jackson's Oxford Journal, was distributed widely throughout Oxfordshire between 1830 and 1885. It is available on microfilm and also in digital form from the Gale Database. Again, this allowed search parameters to be set, according to date, district and offence. Articles that were of interest to this thesis were printed from microfilms or downloaded and stored on a Hard Drive in PDF format.

In both instances, a coding system was used to distinguish between files and to make data retrieval easier during the writing up stage of this thesis. This system of classification included a brief description of the subject matter covered in the article, as well as its date of publication and serial number. Unlike, Jackson's Oxford Journal, Kentish provincial newspapers like The Maidstone Journal and The Rochester Gazette are not available in digital form. This meant that visual scans had to be carried out on large numbers of articles which are stored on microfilm. As well as consuming a lot of time, it is likely that some articles of interest were overlooked using this approach. Even so, a large amount of data on a range of subjects relevant to this thesis was recovered from the microfilms for the period 1830 and 1885. Print copies were made of the articles and these were stored using a cataloguing system similar to the one described above. Again, this methodological approach greatly assisted the writing-up stage of this thesis.

Using articles from these provincial newspapers it has been possible to show how the economies of Kent and Oxfordshire developed over the course of the nineteenth century. They have also been used to identify differences in the way that the courts, constabulary and public institutions like prisons and workhouses functioned in the two regions. At the same time, court

⁴⁸ For example, The Rochester Gazette was syndicated in Kent, Essex, Surrey and Sussex.

reports have provided information about the personal circumstances of offenders. These articles give a clear indication of how attitudes towards crime and poverty differed between regions and altered over time. Of course, it has to be remembered that for the most part, the articles that were published in national and provincial newspapers reflected the opinions of their authors and readers, rather than those of the labouring majority. One therefore has to be mindful that they might only offer a narrow perspective on the events that they describe. Much the same can be said of journal entries. In many cases the entries are sporadic and often end abruptly. Frequently they were written with a single purpose in mind. Even so, these problems are often outweighed by the benefits that are offered by a first-hand account of events as they unfolded. Two types of journal entries have been used in this thesis. The first is held in the county archives in Oxford. It was kept by a group of local dignitaries who banded together to form a committee at the time of the Otmoor disturbances.⁴⁹ It contains details of the correspondence that they had with the government and outlines the action that they took to suppress the rioters.⁵⁰ Information taken from this journal has helped this thesis to determine what the character of justice and policing looked like during the early 1830s. It has for instance, been able to show whether the constabulary presented an effective deterrent to criminals in Oxfordshire and to compare how offenders were treated by the criminal justice system in the region. Such an analysis is necessary since this thesis is concerned with the inter-play between crime and poverty. Of course, its central failing is that it offers a very monocentric view of policing and the criminal justice system. It cannot for example, tell us anything about how these institutions functioned in Kent at this time.

Similar criticism can also be levelled at the journal produced by the journalist, politician and agriculturalist, William Cobbett. Published in 1830, it chronicles his journeys through southern

⁴⁹ For more on the Otmoor disturbances see: Bernard Reaney, The Class Struggle in 19th Century Oxfordshire: The Social and Communal Background to the Otmoor Disturbances of 1830-1835 (Oxford: History Workshop, 1970).

⁵⁰ Otmoor Committee Minute Book of Meetings. [Document number: CPZ 15/2; OCRO.]

parts of the country in the mid 1820s.⁵¹ During his travels he explored many parts of Kent, including the Medway basin and in his journal he described instances of extreme rural poverty. There can be little doubt that his farming background enabled him to make informed judgements about its cause.⁵² His itinerary however, appears not to have taken him very far into Oxfordshire. The county is given but the briefest of mentions in his journal and it is not possible to tell whether the sights that he saw were in anyway similar to those in Kent.⁵³ Setting aside these concerns, Cobbett exhibited a real eye for detail and his journal contains a wealth of data about the state of agricultural labour markets in southern England during the late 1820s. Again, this information has proved extremely useful to this thesis. For instance, it has been used to underpin suggestions that the labouring poor turned to crime because the socio-economic conditions that they encountered undermined the solvency of their makeshift households during the early decades of the nineteenth century.

Yet, in spite of the evident appeal of Cobbett's journal, one can never be certain that his opinions were not tinged with self interest. For example, there is no denying that he devoted a great part of his life to political reform. Consequently, it is impossible to say how extensively his writing was informed by his political leanings. What is certain, however, is that he was viewed with suspicion by members of the ruling class.⁵⁴ It seems almost inevitable then, that Cobbett's words transmit some degree of bias. To a greater or lesser extent, this sort of criticism can be directed at all of the sources discussed above. For instance, anyone who is familiar with committal registers or calendars of prisoners will know that they often contain scant details about the offenders that they refer to. For studies that rely on a limited number of sources this is clearly problematic. Even with the range of material that was available to this thesis there were still some difficulties to overcome.

⁵¹ George Woodcock, (ed.), William Cobbett Rural Rides (London: Penguin Books, 1985), introductory notes.

⁵² Ibid, 173-4 and 206-7.

⁵³ Ibid, 253-4.

⁵⁴ Ibid, 7-25.

Most notably among these was the problem of showing how offender behaviour might have been motivated by poverty.

(d). Record Linkage

This thesis takes a fresh approach to this problem. From the above, it is clear that records like court documents, poor law reports and committal registers contain a whole host of personal details about the age, sex, occupation and educational background of individuals who were caught up in disputes with the law. Yet, it is also apparent that there is a limit on what these documents can tell us about the relationship between crime and poverty, when they are only used in isolation. The author has now gained considerable experience in the use of Record Linkage and the results that it can deliver. In the spring of 2005, the author piloted this technique, combining information from petty session records from the 1880s, with data extracted from census reports. Improvements that were made to the reporting system meant that decennial census reports produced after 1851 contain intimate details including the number, age and occupational status of household occupants. By marrying this information with the data found in petty session records, the author was able to create socio-economic profiles of offenders and the constituents of their households.⁵⁵

The resulting composite profiles allowed the author to make informed judgements about some of the causal factors that may have encouraged these individuals to offend. For example, it was suggested that large households that were headed by aged adults were more vulnerable during economic downturns. These findings were used to establish connections between offences like poaching and the sort of socio-economic conditions that were found in the more remote areas of the Ploughley Hundred during the 1880s. In doing so, it was able to argue convincingly that there were some links between crime and poverty in these districts, during the latter years of the nineteenth

⁵⁵ To ensure that the profiles offered the clearest overview of these individual's personal situation, the census nearest in date to the petty session record was used.

century. The fruits of this pilot have provided further opportunities to exploit this methodology in this thesis. For instance, the earlier study centred on a relatively small number of offences, located within a limited geographical area. It was also bound by a narrow timeframe. By extending these boundaries, this thesis shows the extent to which external factors like population growth, adjustments to employment markets and the spread of industrialisation had on offender behaviour in two regions that were different both socially and economically.

The reasons why Kent and Oxfordshire were chosen as the crucible for this investigation have already been explained in some detail above. What remains is to briefly discuss how the technique has been refined further and to explain how the term Record Linkage was devised. In the spring of 2008, the author presented a research paper at the Local Population Studies' Annual Conference at St. Albans. The paper focused on prostitution in the Medway town of Chatham between 1830 and 1885. The author generated a series of profiles of individual prostitutes using poor law reports, prison records, court documents and census material – utilising Record Linkage. The profiles were used to illustrate some of the underlying factors that were responsible for prostitution in the region. For instance, it demonstrated how the trade was driven by the presence of naval and military installations in the region. It also drew attention to the impact that the predominance of low paid labour markets had on the economic independence of women in the area. Multiple profiles were also meshed together to create impressions of larger communities. These allowed the author to comment on how prostitutes were regarded not only by the authorities, but also by their contemporaries in the poorer districts of the town.

Another speaker at the same conference also presented her research into prostitution in the Medway towns. By coincidence, Dr. Catherine T. Lee had also created profiles of prostitutes using information extracted from census reports and government returns. Afterwards, both speakers were invited by Professor Nigel Goose to write articles for the Local Population Studies' journal.

Because of their shared research interests, the pair decided to work together on a joint article.⁵⁶ It was during this collaboration that they settled on the term Record Linkage to describe the method that they both used to develop their socio-economic profiles.

It is argued that these profiles can yield substantially more information about the habits and lives of offenders than the sort of data that is commonly found in single sources. However, it has to be noted that there are some drawbacks to using the technique of Record Linkage. For example, poor record coverage will of course place limits on the amount of information that can be recovered for some individuals. Similarly, records will not exist if the police showed discretion, or lacked the manpower to arrest offenders. Added to this “Dark Figure” are the cases that were never detected because the individuals were careful to operate away from prying eyes.⁵⁷ The technique of extracting and analysing information from a variety of sources is also time-consuming and one has to question whether micro-histories can tell us much about general trends in criminality. Even so, Record Linkage allows this thesis to carry out a more in depth survey of the link between crime and poverty in two different social economic regions, than might have been possible if more conventional research methods had been used.

Thesis Structure

Apart from this section and the concluding remarks that appear in the final chapter, this thesis is divided into seven parts. Each of these looks in detail at a different aspect of poverty and how it affected the makeshift strategies that the labouring poor used to support their households in Kent and Oxfordshire between 1830 and 1885. In the process, these sections address the four main research questions set out at the beginning of this thesis.

⁵⁶ See: Adrian Ager and Catherine T. Lee, ‘Prostitution in the Medway Towns 1860-1885’, Local Population Studies, No. 83 (2009), *passim*.

⁵⁷ For more on the “dark figure”, see: Emsley, Crime and Society, p. 24.

The next chapter looks at the different ways that historians have approached and interpreted the subject of makeshift economies. In the process, it helps to locate this thesis within the current body of literature that relates to the study of crime and poverty in the nineteenth century. It also questions whether the present historiography provides a satisfactory explanation for the role that crime played in the range of makeshift strategies that the labouring poor relied on to tide their households over periods of economic uncertainty. In doing so, it identifies three areas which have hitherto been neglected by historians and sets out how this thesis intends to bridge this historiographical gap. In short, its purpose is to engage with the first of the research questions under consideration in this thesis. It begins by noting that a number of studies allude to the fact that some individuals used the proceeds of crime to alleviate the symptoms of poverty. However, it argues that none of these have tried to show how patterns of criminality were affected by the kind of employment opportunities and income levels that were open to the labouring poor in two areas as diverse as the Medway basin and the Ploughley Hundred. This review also makes it clear that more needs to be done to understand how the legislative reforms that were introduced throughout the nineteenth century affected the strategies that poor households relied on to support their makeshift economies.

Both of these themes are explored in more detail in chapter three. It has two main aims. Firstly, to show how the two regions differed both socially and economically. Secondly, to give some indication of how socio-economic change may have contributed to patterns of criminality among the labouring population in the two areas. Both of these aims refer back to the second and third research questions that were discussed in the first part of this chapter; namely; how were poor households affected by legislative reforms and what kind of industrial growth occurred in the two regions between 1830 and 1885? Moreover, to what extent were the poor prepared to step outside the boundaries of the law, if reforms outlawed practices that they had formerly relied on to support their makeshift households? By addressing these questions, this chapter lays the groundwork for the analysis that appears later on in this thesis which looks more closely at the relationship between

crime, poverty and the prevailing socio-economic conditions. Of course, such a line of inquiry means that a number of important questions need to be addressed. Perhaps the most obvious of these is: what were the consequences of industrial change on poor households in the Medway basin and the Ploughley Hundred? Did change occur in a uniform manner in both areas and did this situation remain constant over the course of the nineteenth century? Or, to unravel these questions further: what impact did population growth and urbanisation have on labour markets and employment prospects in the two areas? The following observations explain why this thesis needs to look at the impact that legislative reforms had on the makeshift economies of the poor in Kent and Oxfordshire. Firstly, it is apparent that new legislation had the potential to undermine makeshift households in a number of ways. For example, it is often argued that the process of enclosure led to greater wage dependency.⁵⁸ Similarly, individuals who were unable or unwilling to comply with the stringent tests that were introduced with the New Poor Law found that their access to relief outside of the workhouse reduced greatly after 1834.⁵⁹ It is unlikely that either of these changes would have created significant problems in areas where earnings and employment prospects were adequate for the majority of the labouring population. However, as this introduction has already shown, both the Medway basin and the Ploughley Hundred underwent considerable social and economic change as a result of growing industrialisation. Consequently, the investigation that is carried out by this particular chapter allows us to understand why the poor may have relied on crime to support their makeshift economies.

One of the stated aims of this thesis is to demonstrate how poor households in Kent and Oxfordshire were affected by legislative reforms. A number of welfare historians have suggested that the labouring poor often subsidised their regular earnings with doles that they received from the

⁵⁸ E. J. Hobsbawm and George Rude', Captain Swing (London: Lawrence and Wishart, 1970), p. 15.

⁵⁹ Sidney and Beatrice Webb, English Poor Law History: Part II: The Last Hundred Years, Vol. I. (London: Longmans, Green and Co, 1929), p. 63.

poor law authorities before 1834.⁶⁰ The first half of chapter four therefore has two main aims. The first is to show how the distribution of welfare altered after the introduction of the 1834 New Poor Law. The second is to outline the repercussions that this change had on poor households in the two regions under study here. Under the new arrangements, parishes were grouped into poor law unions and the able-bodied only had access to welfare if they agreed to enter the union workhouse. Conditions inside these institutions were extremely regulated and regimes were deliberately designed to act as a deterrent to all but the most desperate of paupers. Yet it is also clear that there was great variation in the way that the new unions functioned as welfare institutions, even after the reforms were embedded.⁶¹

In light of these comments, the first part of this chapter addresses two important questions. Firstly, how did the authorities in Kent and Oxfordshire execute these reforms? Secondly, what effect did their actions have on makeshift households in the two regions? By following these lines of inquiry, this chapter is able to achieve several things. In the first instance, it provides insights into the way that local government officials enforced the law under the direction of a central authority. In the process, contrasts are made between the ways that administrators used legislation to control poverty in two very different socio-economic environments. In turn, this allows some understanding of the stance that local officials took towards the able-bodied poor in the Medway basin and the Ploughley Hundred. It also opens up for further debate the possibility that some sections of the labouring population had little alternative, but to rely on crime to support their makeshift households during periods of hardship.

The second half of this chapter uses this survey as a platform to look at the range of criminal strategies that the urban and rural poor used in order to preserve their households during a period of

⁶⁰ King, Poverty and Welfare, 59-60.

⁶¹ Peter Wood, Poverty and the Workhouse in Victorian Britain (Strood: Alan Sutton Ltd, 1991), p. 102.

enormous social and political upheaval.⁶² Again, this study accords with the overall aim of this thesis inasmuch as it links acts of petty criminality to poverty that arose out of socio-economic change during the nineteenth century. Some of the inspiration for this undertaking was provided by E.P. Thompson's work on the *moral economy*.⁶³ In brief, Thompson argued that a long established system of precedence and custom dictated that authority figures had a paternal responsibility to oversee the welfare of the poor. Thompson noted that when this contract was breached, the labouring classes rose up in protest.⁶⁴ Chapter four picks up on this notion and asks whether acts of civil unrest that occurred in Kent and Oxfordshire during the first decades covered by this thesis were symptomatic of this change or whether other factors were at play. In particular it questions whether the character of these protests was unusual, or whether there is anything that might link these disturbances to earlier forms of protest. In doing so, it not only raises questions about the kind of factors that motivated individuals to protest, but also asks whether protests should be included in the range of strategies that the poor used to protect their household economies. Such an undertaking is crucial if this chapter is to give credibility to the suggestion that some sections of the labouring population were prepared to face criminal sanctions in order to defend their livelihoods against social and economic change.

Chapter five is the first of two chapters, which look at the relationship between crime and poverty in more detail. The earlier chapter focuses on two different types of offence; poaching and theft, with the emphasis being placed very much on the theft of food items. These categories were chosen primarily because sufficient evidence emerged during the data gathering stage of this thesis, to suggest that links could be established between these offences and the kind of socio-economic

⁶² Phillips, *Crime and Authority*, *passim*.

⁶³ E.P. Thompson, *Customs in Common* (London: Penguin, 1993), *passim* and Thompson and Rudé, *Captain Swing*.

⁶⁴ Thompson, *Customs in Common*, 188-9.

conditions that existed in Kent and Oxfordshire during the nineteenth century.⁶⁵ The scope of this study also allows many of the themes that have been discussed separately in earlier chapters to come under greater scrutiny in one place. As a result, several important questions are given due consideration. First, did crime contribute to makeshift economies and in what ways? Second, how was the character of crime shaped by locality, gender and the age of the offender? And finally, to what extent can desperation be seen as a driving force behind the actions of criminals?

The investigation in this chapter also looks at how trade cycles, seasonal employment prospects and welfare provision affected indictment patterns for poaching and the theft of food items in the Medway basin and the Ploughley Hundred between 1830 and 1885. Quantitative data drawn from indictment reports is used to identify trends in criminal behaviour over time and for the first time in this thesis, source material from court records, poor law reports and census documents is brought together using Record Linkage to connect instances of poaching and petty theft to the personal circumstances of individual offenders.⁶⁶ As a result, this chapter explores the possibility that some sections of the labouring community were prepared to risk being criminalised, if it meant that their makeshift households remained viable.

Chapter six continues to explore the link between crime and poverty and the spotlight once again falls on the matter of gender. In this instance, the chapter is concerned with the subject of prostitution. There are various reasons why this topic is seen as a suitable area for discussion. Firstly, a vast amount of the literature that deals with the subject seems to suggest that large numbers of women were drawn into the trade because they were in reduced circumstances. For

⁶⁵ In addition to the primary sources that will be discussed shortly, see also: K.D.M. Snell, Annals of the Labouring Poor: Social Change and Agrarian England 1660-1900 (Cambridge: Cambridge University Press, 1987), 126-130 and Emsley, Crime and Society, p. 40.

⁶⁶ A form of Record Linkage was developed and used by Adrian Ager and Catherine T. Lee in a recent article on prostitution in the Medway towns (see note 56 above). A more detailed explanation of how this technique can benefit historical research can be found in the methodological section of this chapter.

example, Judith Walkowitz in her ground-breaking study of prostitution during the Victorian period notes that a large proportion of women who entered the profession often did so because of economic hardship.⁶⁷ She noted for example, that large numbers of prostitutes were drawn into the trade because they were isolated from kin networks that might have provided support during periods of hardship. Moreover, she suggested that this problem was compounded by the fact that these women frequently earned their livings in poorly paid and often temporary occupations like domestic service.⁶⁸ In spite of these findings, no comparative historical studies have been carried out into prostitution in two areas as socially and economically diverse as the Medway basin and the Ploughley Hundred. For instance, Walkowitz's survey was underpinned by records that related specifically to London and the south coastal towns around Plymouth and Southampton. Clearly, there is scope for this thesis to develop this area of research by using records that are more relevant to Kent and Oxfordshire.

Both of these themes are addressed in Chapter six. This section of the thesis seeks to explain how prostitution was linked to the kind of socio-economic conditions that existed in the Medway basin and the Ploughley Hundred between 1830 and 1885. In pursuing this line of inquiry it addresses four main research questions. Firstly, did prostitution contribute to makeshift economies in both areas and if so, how? Secondly, did age, family background and occupation have much bearing on why females entered the profession? Thirdly, how did the situation alter over time and in response to changing social and economic conditions? Finally, did the authorities use similar methods to control the activities of prostitutes in Kent and Oxfordshire and more to the point, did their solution to the problem meet with much success in either region?

This study provides this thesis with another opportunity to test the merits of Record Linkage and to explain how the technique can be used to address the research questions raised. To do this, data harvested from poor law reports, prison records, court documents and census material has been

⁶⁷ Walkowitz, Prostitution and Victorian Society, 15-6.

⁶⁸ Ibid.

used to create profiles of individual prostitutes and the communities where they lived. On a micro level, these profiles tell us a lot about the personal circumstances of the women who were involved in prostitution and provide us with a better understanding of why they entered the profession. On a macro level the profiles allow this chapter to show how employment prospects, welfare provision and law enforcement affected the activities of prostitutes in Oxfordshire and Kent. They give a clear indication of how socio-economic change shaped legislation and attitudes towards prostitution in the Medway basin and the Ploughley between 1830 and 1885.

Until now, the chapters that make up this thesis have concentrated on how poor households coped with changes that were brought about by growing industrialisation and the introduction of legislative reforms. At the heart of these studies is the suggestion that the poor were in a difficult position. If they yielded to the reforms without question, they risked seeing the economic base of their households collapse. Alternatively, if they continued with practices that were outlawed, there was a strong possibility that they would be criminalised. Yet it seems reasonable to suggest that it was not only the labouring poor who had to deal with the impact that industrial growth or legislative reforms had on the order of society. On the contrary, it is argued that in many instances these changes presented the authorities with awkward choices. For example, the same officials who were responsible for overseeing the system of 'less eligibility' that was introduced with the 1834 New Poor Law, also had to cope with the reality that labour markets in many areas were already seriously overstocked at the end of the 1820s.⁶⁹

On a separate, but related issue, several chapters in this thesis also suggest that offences like prostitution, petty theft and poaching occupied a considerable amount of court time throughout the

⁶⁹ In simple terms, the *system of less eligibility* which was introduced after 1834, stipulated that the able-poor should no longer receive relief outside of the workhouse. The harsh conditions that the poor had to endure if they entered the workhouse were intended to deter all but the most desperate from appealing to the authorities for assistance. Yet, it is also clear that the authorities had to cope with problems associated with under and unemployment. For more on this see: King, Poverty and Welfare, 27-9 and Woodcock, William Cobbett, p. 174.

nineteenth century, even though the penalties for contravening these laws remained high. This seems to suggest that the poor were either reckless, or that they were genuinely inclined towards criminality. By their actions it seems that the poor did not always conform to the stereotype of a 'slack-jawed, straw chewing yokel' that always adhered with 'dumb obedience' to the rules of society.⁷⁰ Instead, these observations appear to challenge arguments that have been put forward by historians of a Marxist persuasion. For instance, Eric Hobsbawm in his rather eloquent discourse on the labouring poor suggested that the authorities exercised almost total control over the poorer members of society and that they had very few opportunities to express even a modicum of free will.⁷¹

It is with these disparate, but inter-related areas of debate that Chapter seven is concerned. It looks at the sort of control that the authorities exerted over the labouring population in Kent and Oxfordshire. In the process, it looks at the structure of local government and considers whether its administration allowed the police, courts and public institutions like prisons and workhouses to present an effective deterrent against undesirable modes of behaviour. It also questions how the situation altered over time as new reforms were introduced. Such an analysis is necessary on several counts. Firstly, to show the influence that local officials had over the labouring poor in the two areas and to see whether this relationship was in any way responsible for the levels of petty crime that were found in Kent and Oxfordshire. More than this, it also allows this thesis to establish whether poverty was the main contributory factor behind offences like poaching and prostitution, or whether some households simply exploited weaknesses in the administration of the courts, prisons and welfare organisations to benefit their makeshift economies.

When considered together, the seven chapters that make up the main body of this study suggest that the labouring poor were often presented with difficult choices if they wanted to

⁷⁰ Timothy Shakesheff, Rural Conflict, Crime and Protest Herefordshire, 1800-1860 (Suffolk: Boydell Press, 2003), p. 1.

⁷¹ Eric Hobsbawm, The Age of Revolution 1789-1848 (London: Abacus, 2008), 253-4.

ensure the solvency of their households. This thesis therefore represents the first serious attempt to show how the administration of the criminal justice system, the constabulary and welfare institutions affected levels of criminality in Kent and Oxfordshire and the part that crime played in the makeshift economies of the labouring population in the two regions between 1830 and 1885. Another common theme that resonates throughout this study is that poor law provision was bound up with the administration of individual unions in both regions, even after the passing of the 1834 Act. It is argued that households that were no longer eligible for relief outside of the workhouse were placed in an extremely vulnerable position and were likely to resort to desperate measures in order to maintain an independent existence. The findings of several of these chapters indicate that labour markets in Kent and Oxfordshire were sensitive to changes in the economy and that earnings often varied between districts and fluctuated with the seasons. It is therefore the purpose of this thesis to show whether these factors had a measureable impact on poor households in the Ploughley Hundred and the Medway basin and encouraged the poorer classes to rely on the proceeds of crime to support their makeshift economies.

Chapter Two:

Historiography

This thesis questions whether socio-economic change encouraged the labouring poor in Kent and Oxfordshire to rely on practices that were outlawed by legislative reforms to supplement their makeshift economies between 1830 and 1880. The purpose of this chapter is therefore to show how such an investigation can be situated within the current body of literature that relates to the study of crime and poverty in the nineteenth century. To achieve this aim, it will scrutinise the work of a number of historians who have commented on the three broad themes that are central to this thesis. Firstly, that the labouring poor relied on a range of strategies to support their households. Secondly, that legislative reforms sometimes interfered with these strategies and in response, the poor relied on the proceeds of crime to lessen the effect that new legislation had on their household economies. Finally, that social and economic factors helped to shape the criminal strategies that these individuals used. In short, it is suggested that patterns of criminality varied between rural and urban environments and were tempered by the kind of social and economic changes that occurred in Kent and Oxfordshire during the nineteenth century.

It will become apparent in due course, that there is common ground between many of the separate strands of research that are being analysed here. Potentially, this overlap might mean that this historiographical review becomes a little repetitive. Therefore, to reduce the likelihood of this happening, the themes discussed above, are addressed under seven sub-headings. These sub-headings are used as reference points to identify areas where this thesis can contribute to debates surrounding the links between crime and poverty in Kent and Oxfordshire between, 1830 and 1885. To this end, the first part of this chapter considers how Olwen Hufton's original concept of makeshift economies has been adapted by historians like Steven King and Samantha Williams, to explain the English experience of poverty. Next, it looks at the process of enclosure and the amendments that were made to the poor laws. By focusing on these reforms, it seeks to identify

gaps that exist in the research of social and welfare historians like Jane Humphries, Margaret Hanley and M.A. Crowther. The final part of this chapter analyses the work of criminal historians like Peter King and Clive Emsley. In doing so, it differentiates between the different strategies that the rural and urban poor used to support their households. It also looks how the judicial system and the constabulary evolved over the course of the nineteenth century and considers how this affected patterns of crime in the two areas under consideration in this thesis.

Again, the point of this study is to highlight how this thesis can contribute to debates surrounding the relationship between socio-economic change, crime and the strategies that the poor in Kent and Oxfordshire relied on to support their makeshift households in the nineteenth century. It is apparent, however, that it will not be possible to review the full breadth of literature that is available on any of the themes mentioned above within the confines of a single chapter. To overcome this difficulty, the texts that have been selected should be seen to be representing the whole, rather than offering a definitive viewpoint on the connection between crime and poverty among the labouring poor.

The Economy of Makeshifts

Olwen Hufton first suggested that the poor relied on earnings from a variety of sources in 1974. She used the phrase *the economy of makeshifts* to describe the different strategies that French paupers employed, to ensure that their households remained economically viable. Essentially, Hufton argued that the economic success or failure of a family or household depended upon the way its constituents contributed to its upkeep. Crucially, she also observed that any reduction or

disruption in these different income streams was likely to have undermined the economic viability of poor households.¹

Whilst it is apparent from the above that Hufton's work shares common ground with the study being carried out in this thesis, it is also evident that her definition of makeshift economies is not entirely compatible with the English experience of poverty. For instance, Hufton's study looked at how French paupers used seasonal or permanent migration to overcome periods of economic hardship.² Yet as long ago as the 1920s, historians like Dorothy Marshall and John and Barbara Hammond pointed out that English settlement laws restricted the movement of paupers in the eighteenth and nineteenth centuries.³ More recently, this dichotomy has prompted historians to re-work Hufton's definition so that it is more relevant to the strategies used by the English labouring poor.⁴ For example, Steven King and Alannah Tomkins used Hufton's term as a point of reference, to explain how the mostly settled poor accessed local resources, in order to make ends meet. Yet, their definition seems to suggest that the poor only employed makeshift strategies periodically, when they experienced unusual hardship or wanted to prevent the onset of destitution.⁵ This is in spite of King acknowledging in a separate study that households could come under pressure for

¹ Olwen H Hufton, The Poor of Eighteenth Century France 1750-1789 (Oxford: Clarendon Press, 1974), especially chapters III and IV.

² Ibid.

³ Dorothy Marshall, The English Poor in the XVIII Century (London, George Routledge and Sons, 1926), 161-164 and J.L. Hammond and Barbara Hammond, The Village Labourer 1760-1832: A Study in the Government of England Before the Reform Bill (London: Longmans, Green And Co, 1920), p. 88.

⁴ Steven King and Alannah Tomkins highlight how Joanne Innes, Robert Malcomson and Richard Wall have tailored the European model of makeshift economies to fit the English context, see: Alannah Tomkins and Steven King, 'Introduction', in Steven King and Alannah Tomkins (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003), p. 13

⁵ Ibid, p. 13.

prolonged periods at different stages of the life cycle.⁶ This appears to suggest that King and Tomkins have overlooked how changing economic conditions could affect household economies over the longer term.⁷

This oversight has been partly addressed by Sara Horrell and Jane Humphries' study of women's participation in labour markets between 1790 and 1865.⁸ In this survey they argue that it is only possible to appreciate the impact that industrialisation had on the labouring poor if all of the factors that affected poor households are taken into consideration. They suggest that historical research over the last fifty years has underestimated how the industrial process affected the households of the poor, because it is largely based on calculations derived almost exclusively from records of male wages.⁹ To address these concerns, Horrell and Humphries highlight several ways in which the economic foundations of poor households were undermined by industrialisation. Firstly, they note that the expansion of the factory system caused a decline in the kind of work that was available for women and children. They observe that in many districts, female outworkers were unable to make goods as cheaply as those produced in large scale factories under centralised manufacturing methods. They suggest that this change would have placed an additional burden on

⁶ Steven King and Geoffrey Timmins, Making sense of the Industrial Revolution English Economy and Society 1700-1850 (Manchester, Manchester University Press, 2001), p. 324.

⁷ For example, E.L. Jones notes that the Napoleonic Wars drew large numbers of labourers from the land. This caused wages to increase in many areas. He argues that in order to contain costs, farmers began to use threshing machines. However, Jones observes that the situation was reversed during the post-war period. Men returning from the wars found it increasingly difficult to secure employment in rural areas. Jones argues that this created a crisis for poor law authorities. For more on this see: E.L. Jones, 'The Agricultural Labour Market in England, 1793-1872', The Economic History Review, Vol. 17, No. 2 (1964), 322-38. For more on how oral histories can help us to understand the importance of poaching to village economies see: D.J.V. Jones, 'The Poacher: A Study in Victorian Crime and Protest', The Historical Journal, Vol.22, No. 4 (1979), 825-60.

⁸ Sara Horrell and Jane Humphries, 'Women's Labour Force Participation and the Transition to the Male Breadwinner Family, 1790-1865', Economic History Review, No. 48, Vol. 1 (1995), *passim*.

⁹ *Ibid*, p. 90.

the earnings of men.¹⁰ In turn, they point out that male earnings would come under extra pressure as the size of the family increased.¹¹ Finally, they note that many studies assume that welfare provision remained constant and that the contribution that women and children made to households did not alter over time. Again, they refute this idea, noting that these were all areas that were affected by industrialisation.¹²

Horrell and Humphries are also critical of the way other forms of empirical data have been used to determine how women contributed to household budgets. For example, they contend that our understanding of household budgets may be distorted because females participated more informally in the rural labour market. As a result, their contribution to household budgets is often overlooked because this sort of data is absent from nineteenth century census records.¹³ In spite of the concerns that they raise in their article, Horrell and Humphries are confident that census records can reveal much about the economic circumstances of families. They observe that whilst census enumerators were not required to record female occupations, they were expected to provide accurate summaries of household expenditure. Undoubtedly those who were responsible for collecting this data found it difficult to catalogue the great variety of tasks that women performed.¹⁴ However, Horrell and Humphries make it clear that in rural areas, the bulk of female earnings were acquired during the summer months.¹⁵

¹⁰ Ibid, p. 89.

¹¹ Ibid, *passim*.

¹² Ibid, p. 90.

¹³ Ibid, 89-117.

¹⁴ Horrell and Humphries note for instance that during the harvest time women might spend six weeks making hay, two weeks reaping and another two weeks raking whilst at the same time doing needlework and washing. For more on this see: Horrell and Humphries, 'Women's Labour Force Participation', p. 97.

¹⁵ Ibid, p. 97.

The Old Poor Law

Clearly, the purpose of Horrell and Humphries' study is to highlight the impact that changing socio-economic conditions had on the makeshift economies of poor households. Although they recognised that welfare provision played its part in this equation, the main focus of their investigation was on the contribution that women and children made to household budgets and to demonstrate how sensitive their earnings were to trade slumps and shifts in the way that labour markets were organised. Even so, Horrell and Humphries appear to have underestimated the important part that poor relief played in this equation. Certainly research carried out by Steven King suggests that it was an essential component in the makeshift economies of many labouring households during the early years of the nineteenth century. He notes for instance, that spending on relief in the north of England rose, not because the generosity of the authorities increased, but because a greater number of people needed assistance from the poor law authorities.¹⁶

Yet it would be wrong to suggest that relief practices were structured in a uniform manner across all regions, or that the stance that authority figures took towards poverty did not alter over time. Certainly there is evidence to suggest that attitudes were beginning to harden towards the end of the seventeenth century.¹⁷ For instance, Dorothy Marshall noted that it was around this time, that certain sections of the ruling classes started to imply that pauperism was caused by the poor leading feckless lifestyles and that the problem could be solved by introducing severe punishments.¹⁸ In a separate, but related survey, the Webbs noted that the philosopher John Locke had suggested that the House of Correction should be used to reform idleness among the able-bodied.¹⁹ In a more recent study, but one that is clearly indebted to A.G.L. Rogers' introduction to Eden's The State of the

¹⁶ Steven King, 'Making the Most of Opportunity: The Economy of Makeshifts in the Early Modern North', in King and Tomkins, The Poor in England, p. 231.

¹⁷ Marshall, The English Poor, p. 22.

¹⁸ Ibid, p. 14.

¹⁹ Sidney and Beatrice Webb, English Local Government English Poor Law History-Part 1: The Old Poor Law (London: Frank Cass and Co. Ltd, 1963), 109-12

Poor, Paul Slack observed that legislation that was introduced as early as the mid-sixteenth century, prescribed a range of punishments for the idle and disorderly.²⁰

As a whole, these observations appear to contradict Hobsbawm and Rudé's rather idealised notion that the landed classes fulfilled a paternal role over the poor prior to industrialisation.²¹ They suggested that until the process of industrialisation gained momentum, rural society at least, conformed to a model that was based on tradition, hierarchy and paternalism. They argued that growing industrialisation caused this model to breakdown. As a consequence, market forces prevailed and the interests of farmers were pitted against those of labourers.²² Such thinking also dominated the work of E.P. Thompson. He noted that paternalism frequently informed and governed the way that authority figures dealt with the poor throughout the eighteenth and early nineteenth centuries.²³

Yet, recent research carried out by Margaret Hanly indicates that poor law officials enjoyed a degree of autonomy when deciding how relief should be dispensed at a parish level, even though the Old Poor Law laid down certain statutory duties.²⁴ She notes, for instance, that in Lancashire, some vestries considered moral character to be an appropriate basis for deciding whether paupers were eligible for relief. To support this claim Hanley observed that a deposition from the Tottington Chapel vestry made particular mention of the disposition of a pauper named Ann

²⁰ Paul Slack, The English Poor Law 1531-1782 (Hampshire: Macmillan Press Ltd, 1990) and A.G.L. Rodgers (ed.), Sir Frederic Morton Eden: The State of the Poor A History of the Labouring Classes in England With Parochial Reports (London: George Routledge and Sons, Ltd, 1928), *passim*.

²¹ E.J. Hobsbawm and George Rudé, Captain Swing (London: Lawrence and Wishart, 1970), p. 14

²² Ibid.

²³ E.P. Thompson, The Moral Economy of the English Crowd in the Eighteenth Century (London: Penguin, 1993), 193-4.

²⁴ Margaret Hanley, 'The Economy of Makeshifts and the Poor Law: A Game of Chance?' in King and Tomkins (eds.), The Poor in England, p. 78.

Wilson. Similarly, the Garstang vestry devised strict rules to control vagrancy.²⁵ It is perhaps because Hanly was preoccupied with outlining the criteria that vestries used to determine whether paupers were eligible for relief, that her study neglected to show whether the measures that poor law officials adopted led to any increase in crime.

This is something that has been partly addressed by Penelope Lane in a study that identifies the different strategies that women in eighteenth century Leicestershire used to support their households. Lane found a correlation between female criminal activity and the levels of relief parishes provided. She observed that women were particularly vulnerable during pregnancy, illness, or if their partner died or deserted. However, she argued that poor law officials frequently failed to provide these women with the assistance that they needed. She suggested that this forced them to supplement their household earning with activities like gleaning and foraging for food and fuel as well as illegal practices like petty theft, prostitution and fencing stolen goods.²⁶ Again, Lane's survey highlights the arbitrary nature of relief under the Old Poor Law. Even when relief was granted, conditions were often attached. Towards the end of the eighteenth century, the authorities increasingly favoured schemes where outdoor relief was provided in exchange for labour. The Hammonds noted that the roundsman system, introduced in the wake of Gilbert's Act, encouraged guardians to find and subsidise work for the able-bodied in the parish, rather than have them maintained in the workhouse.²⁷ However, the Webbs suggested that systems like this were

²⁵ Ibid, 76-9.

²⁶ Penelope Lane, 'Work on the Margins: Poor Women and The Informal Economy of Eighteenth and Early Nineteenth Century Leicestershire', Midland History, Issue 22. (1997), 85-99. Lynn MacKay also cites distress as one of the motivating factors behind petty crimes committed by females in the eighteenth century. For more on this see: Lynn MacKay, 'Why They Stole: Women in the Old Bailey, 1779-1789', Journal of Social History, Vol. 32, No. 3 (1999), 623-39.

²⁷ For more on the roundsman system and its later incarnation the Speenhamland system see: Hammond and Hammond, The Village Labourer, 235-41. For a more complete account of how the roundsman system was used to subsidise wages see: Steven King and Alannah Tomkins, 'Conclusions', in King and Tomkins (eds.), The Poor in England, p. 269.

open to abuse. They argued that farmers deliberately contracted labourers on low wages because they knew that the parish would make up the balance. They also observed that some farmers exploited the system further, by dismissing members of their regular workforce, so that they might engage roundsmen on cheaper rates when the seasons demanded.²⁸

There is plenty of anecdotal evidence to suggest that these schemes fostered resentment among the labouring poor. Yet it is difficult to gauge from the work of welfare historians whether they encouraged criminality.²⁹ This is because the current literature does not really show how extensively the schemes were adopted in Kent and Oxfordshire. For example, M.A. Crowther has suggested that the roundsman system did not play a significant part in parish relief in the south of England. Instead she argues that high mortality rates among the labouring poor would have meant that the bulk of assistance would have been directed towards widows and orphans.³⁰ However, John Burnett quite reasonably observed that the problem of rural poverty could be partly attributed to the large number of servicemen who were discharged onto the labour market at the end of the Napoleonic wars. Burnett has also suggested that the roundsman system was commonly used in Kent and noted that poor terms and low rates frequently provoked complaints from labourers.³¹ Criticism, however, can be levelled at Burnett's work for its heavy reliance on findings that were extrapolated from biographical and anecdotal sources. Clearly, this thesis will need to make greater use of empirical data if it is to establish a firm link between unemployment and crime in the nineteenth century.

²⁸ Webb and Webb, English Local Government English Poor Law History-Part 1, 190-6.

²⁹ For examples of feelings generated by the roundsman system see: Ibid, p.191; S.G. and E.O.A Checkland (eds.), The Poor Law Report of 1834 (Harmondsworth: Pelican Books, 1974), 102-13 and John Burnett, Idle Hands: The Experience of Unemployment, 1790-1990 (London: Routledge, 1994), 17-34.

³⁰ M.A Crowther, The Workhouse System 1834-1929: The History of an English Social Institution (London: Batsford Academic and Educational Ltd, 1981), p. 14.

³¹ Burnett, Idle Hands, 20-3.

Some criminal historians have tacitly acknowledged that crushing poverty may have motivated the poor to commit certain criminal acts. Their research, however, is unusually bereft of reference to the poor laws or any clear understanding of how labouring schemes like the roundsman system affected the household economies of the poor. Clive Emsley for example, notes in his study of eighteenth and nineteenth century crime and society, that poaching helped the poor to 'eke out their meagre' diets.³² However, his broad approach does little to explain whether the paupers supplemented their earnings with illegal practices like poaching because local welfare provision and unemployment affected the sustainability of their household economies. Instead, Emsley concentrated his efforts on linking poaching to gangs who operated for profit and communities who used poaching to protest against the Game Laws.³³ In contrast, David Phillips quite rightly accepts that court proceedings and newspapers can assist our appreciation of lawbreaking in particular areas. Yet his study of crime in the Black Country during the nineteenth century is undermined by the fact that he failed to recognise how poor law records could be used to create a clearer picture of the economic circumstances of offenders.³⁴

Several things are apparent from the above. Firstly, that there is considerable disagreement among historians about how extensively the ruling classes fulfilled their paternal responsibilities towards able bodied paupers, under the Old Poor Law. Certainly, there is evidence to suggest that by the start of the eighteenth century, attitudes towards the able-poor were beginning to harden and that this shift seems to have occurred at a time when employment practices and labour markets were altering as a result of socio-economic change. Yet no studies have thus far tried to show whether these changes had a tangible impact on criminal activity in Kent and Oxfordshire. Clearly, there are opportunities for this thesis to correct this oversight by showing whether poverty affected patterns

³² Emsley, Crime and Society in England 1750-1900 (Harlow: Longman Group Limited, 1987), p. 4.

³³ Ibid, 72-3 and p. 82.

³⁴ For more on this see the introduction to David Philips, Crime and Authority in Victorian England (London: Croom Helm Ltd, 1977), 13-40.

of crime in the two regions prior to 1834. Since the timeframe covered by this thesis extends well beyond the scope of the Old Poor Law, it seems sensible to suggest that this survey should also consider whether relief practices and employment prospects had any bearing on the behaviour of the able-poor after the introduction of the 1834 Act.

The New Poor Law

In the summer of 1832, the government, faced with mounting criticism about the cost of maintaining the poor, appointed a royal commission to investigate the whole system of poor relief.³⁵ In 1834, the principal recommendations of the commission's report were endorsed in the *Poor Law Amendment Act*.³⁶ The major reform introduced by the Poor Law Commission was the manner in which the poor were to be assisted. For the first time, poor relief was to be organised on a national basis: parishes were grouped into unions and a body of paid officials overseen by elected guardians were responsible for administering relief in workhouses. Felix Driver has observed that the most visible consequence of this change was the transformation of local government. He notes that whilst parishes were still retained responsibility for settlement, financial control now rested with the Guardians of the Union.³⁷ Crucially, the new Act also prevented parishes from assisting the families of the able-bodied. The Webbs explained that under the Old Poor Law, the wives and children of labourers were usually included in relief settlements. When the new Act was

³⁵ David Englander notes that between 1790 and 1820 the poor rate doubled and by 1830 it accounted for one fifth of national expenditure. For more on this see: David Englander, *Poverty and Poor Law Reform in 19th Century Britain, 1834-1914 From Chadwick to Booth* (Harlow: Longman Ltd, 1998) p. 3.

³⁶ For more on this and details of the questionnaire returns see: Nicola Verdon, 'The Rural Labour Market in the Early Nineteenth Century; Women's and Children's Employment, Family Income, and the 1834 Poor Law Report', *Economic History Review*, Vol. 55, No. 2 (2002), 299-323.

³⁷ Felix Driver, *Power and Pauperism: The Workhouse System 1834-1884* (Cambridge: Cambridge University Press, 1993), p. 37.

introduced, the Commissioners continued to consider the family as a unit and as a consequence the wives and offspring of able-bodied labourers were no longer eligible for outdoor relief.³⁸

The Commission therefore insisted that the able-bodied and their families should be maintained inside of the workhouse. It recommended that a central board should be set up to administer and regulate the running of all workhouses and stressed that the situation of paupers receiving relief inside the workhouses should to be made inferior to the poorest able bodied workers living in the community, in order to check the number of claimants.³⁹ Workhouse officials were therefore encouraged to oversee a regime that offered few social amenities. Inmates were also required to submit to a routine of hard labour and strict discipline.⁴⁰

However, it is apparent that many of the policies that were introduced with the Act of 1834 were already in place in workhouses before this date. Moreover, it is clear that poor law institutions performed similar functions under the two acts. This point is supported by Crowther who has noted that Old Poor Law workhouses in urban centres were expected to deter the able-bodied as well as provide asylum to the sick and elderly.⁴¹ Moreover, she argued that at the time of the Royal Commission's enquiry, practices within individual institutions could fluctuate from year to year, depending on who was in charge of their administration. Consequently, some workhouses were

³⁸ Webb and Webb, English Local Government English Poor Law History-Part II: The Last Hundred Years (London: Longmans, Green and Co, 1929), p. 63.

³⁹ Steven King, Poverty and Welfare in England, 1700-1850: A Regional Perspective (Manchester: Manchester University Press, 2000), p. 29 and Peter Wood, Poverty and the Workhouse in Victorian Britain (Strood: Alan Sutton Ltd, 1991), p. 102.

⁴⁰ This eventually became known as the 'Workhouse Test'. For more on the rules and regulations imposed on paupers see: 'workhouse life' <http://users.ox.ac.uk/~peter/workhouse/index.html> and King, Poverty and Welfare, 27-9.

⁴¹ Crowther, The Workhouse System, p. 28. For examples of rules and regulations that were adopted by individual workhouses under the Old Poor Law see: Rodgers (ed.), Eden: The State of the Poor, *passim*.

well regulated, whilst others were unsanitary and poorly managed.⁴² It seems unlikely that standards inside these institutions improved simply because new legislation was introduced. For instance, Peter Wood and Steven King note that the New Poor Law did not guarantee that all workhouses provided the levels of care prescribed by the 1834 Act. To support their arguments they observe that the small number of inspectors who were responsible for monitoring and policing workhouses were unable to carry out their duties to the exacting standards laid down by the Commission. This was because the districts that they covered were too large and because they had limited funds and insufficient authority to compel unions to follow their instructions.⁴³

Under these circumstances it seems reasonable to suggest that Crowther's observations about conditions inside workhouses under the Old Poor Law were equally applicable after the 1834 Act was introduced. None of the studies discussed above, however, consider how extensively unions in the Medway basin and the Ploughley Hundred used the *workhouse test* to deter the able-bodied from using workhouses as a place of refuge. In part, this is because they depend heavily on primary sources that are outside of these territories. For instance, none of the source material that Steven King used in his analysis relate specifically to Oxfordshire. Moreover, the documents that he used for Kent are more representative of welfare practices in the most northern part of the county, at Dartford.⁴⁴

It is hard to overstate why it is so important to understand how unions in Kent and Oxfordshire used the *workhouse test*. Primarily this is because it is the purpose of this thesis to show whether the labouring poor relied on the proceeds of crime to support their makeshift households when they were unable to make ends meet through more legitimate means and the aim of the *workhouse test* was to dissuade the able-bodied from seeking assistance from the authorities

⁴² Crowther, The Workhouse System, 28-9.

⁴³ King, Poverty and Welfare, p. 102.

⁴⁴ *Ibid*, 270-1.

except in the most desperate of circumstances.⁴⁵ Comments made by the anti-poor law campaigner, James Turner encapsulate what this situation meant in simple terms. He explained that “it was a well understood thing that it was either the workhouse, or no relief at all” and that “they [the poor] did not like to go to the workhouse”.⁴⁶ In contrast, Crowther argued that the workhouse played its part in the economy of makeshifts, noting that local or personal disasters frequently meant that individuals had to contemplate entering an institution.⁴⁷ It does not necessary follow, however, that the able-poor automatically submitted to the routine of the workhouse when they fell on hard times. Certainly, the observations made by the Webbs and Turner suggest that on occasions they were willing to do almost anything to stay outside of these institutions after the introduction of the 1834 New Poor Law. This of course raises the possibility that some individuals were prepared to break the law because they had a strong desire to remain independent of the workhouse, especially if the institution had a poor reputation.⁴⁸ Yet this notion does not appear to have occurred to Crowther. For instance, she noted:

that until at least the mid-nineteenth century, most crimes against property in Britain were committed not by a criminal class, but by people who normally worked for a living. Furthermore the crime rose in years of economic hardship.⁴⁹

⁴⁵ For more on this see: Webb and Webb, English Local Government English Poor Law History-Part II, p. 67.

⁴⁶ Taken from the ‘Select Committee on the Poor Law Amendment Act...Report 19’, p. 23 cited in Samantha Williams, ‘Earnings, Poor Relief and the Economy of Makeshifts: Bedfordshire in the Early Years of the New Poor Law’, Rural History, Vol. 16, No. 1 (2005), p. 32.

⁴⁷ Crowther, The Workhouse System, p. 229.

⁴⁸ For more on the reputation of individual unions see: Driver, Power and the Pauperism, *passim* and Wood, Poverty and the Workhouse, *passim*.

⁴⁹ Ibid.

Crowther clearly made a connection between rising crime rates and poverty. However, it was her opinion that this relationship was borne out by changes that occurred in the wider economy, rather than because of how unions administered their affairs under the New Poor Law.⁵⁰ Evidently, there are opportunities for this thesis to look in detail at how poor law officials dealt with paupers under the terms of the 1834 Act and to establish whether its administration had any impact on patterns of criminality in Kent and Oxfordshire. Yet it is also apparent that this thesis will need to do more than investigate the workings of the poor laws, if it is to fully establish a link between crime and poverty.

It seems reasonable to suggest that if some sections of the labouring population were inclined towards criminality because the New Poor Law limited their access to relief, then other legislative reforms may have provoked a similar response, if they threatened the solvency of poor households. It would be difficult within the space that is allowed here, however, to review the full range of literature that is available on the impact of legislative reforms on criminal activity in Kent and Oxfordshire between 1830 and 1885. Clearly, a more selective approach is needed. Since the purpose of this chapter is to identify areas where this thesis can improve our understanding of the relationship between crime and poverty, the next section will concentrate on the process of enclosure. There are several reasons why this field of research is seen as an important topic of discussion. Firstly, and as will become clear, it is evident that historians are divided over the effect that enclosures had on the economic independence of poor households. Secondly, no studies have thus far attempted to compare how the process of enclosure affected makeshift households in Kent and Oxfordshire. Nor have they tried to show whether it encouraged criminality among the labouring population in the two regions.

⁵⁰ Crowther, The Workhouse System, p. 229.

Enclosure

By the middle of the nineteenth century, over six million acres of land had been enclosed in England and Wales.⁵¹ The Hammonds argued that the process of enclosure destroyed the economic independence of labouring households.⁵² They noted that before enclosure, the poor used the commons as a valuable resource which could be used to supplement earnings or generate additional sources of income. They explained that in some areas, access to waste land allowed the poor to raise livestock, whilst in others it provided fuel and building materials.⁵³ Hobsbawm and Rudé also suggested that enclosure affected the independence of labouring households. They argued that rural labourers were proletarianised because they lost their access to common land and suggested that this exposed the poor to the vagaries of the markets. In short, they proposed that enclosure was one of the underlying causes of the disturbances of the 1830s.⁵⁴

In recent years, however, historians have re-evaluated the cost of enclosure on labouring households. Jane Humphries for example, suggests that its effects were more complicated than simply creating a division between propertied peasant and proletarian labourer. She argues that before enclosure, many households were already semi-proletarianised, noting that it was not unusual for men to work for a wage, while women and children made use of common land to grow crops and raise livestock. However, Humphries notes that the process of enclosure took away this resource and made households more dependent on wages.⁵⁵ Graham Seal has described the

⁵¹ Figures taken from C. P. Hill, British Economic and Social History 1700-1982 (London: Edward Arnold Ltd, 1985), p. 17.

⁵² For more on this see: Hammond and Hammond, The Village Labourer, p. 76.

⁵³ Ibid, p. 4.

⁵⁴ Hobsbawm and Rudé, Captain Swing, p. 15.

⁵⁵ J. Humphries, 'Enclosures, Common Rights, and Women: the Proletarianisation of Families in the Late Eighteenth and Early Nineteenth Centuries', Journal of Economic History, Vol. 50 No. 1 (1990), 17-42. For a contemporary opinion on the cost of enclosure to households at Otmoor in

earnings and benefits that were accrued before the division of common lands through enclosure as a 'secondary economy'.⁵⁶ This position is shared by Paul Carter. He argues that smallholders and land poor labourers valued their common rights because they limited their dependence on wages.⁵⁷ The most recent of the studies discussed above, suggests that the process of enclosure was not quite as devastating as the Hammonds and Hobsbawm and Rudé suggested. Even so, it is still evident that it had the capacity to severely limit the kind of options that were open to the poor, if their households suffered economic hardship. Moreover, it is clear that they would only be able to negate the impact that this had on their makeshift households if two principles were in place. Firstly, that there was sufficient employment to satisfy the local labour-force; and second, that wages were high enough for that labour-force not to need additional sources of income.

Recent research that had been produced by King and Timmins, however, draws attention to the compound effect that industrialisation had on communities in the south of the country. They noted that wages were depressed in many areas and that once stripped of their common rights, the labouring households were vulnerable economically, for prolonged periods throughout their life-cycle.⁵⁸ King and Timmins, however, are not specific about how these factors affected households in the two regions under study here. This oversight is important, since it is apparent that the process of enclosure was completed somewhat earlier in Kent than Oxfordshire. For instance, J.R. Wordie

Oxfordshire see: John Dunkin, Oxfordshire: The History and Antiquities of the Hundreds of Bullington and Ploughley-Vol. 1. (London: 1823), *passim*.

⁵⁶ Graham Seal, 'Tradition and Agrarian Protest in Nineteenth Century England and Wales', Folklore, Vol. 99, No. 2 (1988), p. 155.

⁵⁷ Paul Carter, 'Enclosure, Waged Labour and the Formation of Class Consciousness; Rural Middlesex c.1700-1835', Labour History Review, Vol. 66, No. 3 (2001), p. 271.

⁵⁸ King and Timmins, Making Sense of the Industrial Revolution, p. 286.

noted that more than fifteen hundred square miles of land had already been enclosed in the south of England, by the beginning of the seventeenth century.⁵⁹

In contrast, large tracts of Oxfordshire remained open into the nineteenth hundreds.⁶⁰ There are three ways in which these differences can be exploited by this thesis. Firstly, to consider how the process of enclosure affected the social and economic development of the two areas, over the longer term. Secondly, to see how labouring communities in the two areas adapted to the process of enclosure and to examine whether it had a negative impact on the makeshift strategies that they relied on to support their households. Finally, to see whether the division of common land had a noticeable effect on patterns of criminality in Kent and Oxfordshire between 1830 and 1885. A number of studies have alluded to the fact that the process of enclosure was responsible for outbreaks of disturbances in the two regions. The next section will look at these studies in some detail and identify areas where this thesis may be able to improve our understanding of how protest movements and the strategies that the poor used to support their makeshift households may have been connected.

Rural Crime and Makeshift Households

In the late 1820s and early 1830s, a spate of disturbances involving machine breaking and incendiarism swept across the southern part of the country. In 1970, Eric Hobsbawm and George Rudé produced what at the time, was the definitive account of these protests. They were known collectively as the Swing disturbances because threatening letters, signed by a mythical figure known as 'Captain Swing', were often sent to the victims before the attacks were initiated.⁶¹

⁵⁹ J.R. Wordie, 'The Chronology of English Enclosure, 1500-1914', The Economic History Review, Vol. 36, No.4 (1983), p. 489.

⁶⁰ Ibid, 483-505.

⁶¹ Hobsbawm and Rudé, Captain Swing, *passim*.

Hobsbawm and Rudé's study is divided into four parts. In the first of these, they identified the range of factors that were behind the disturbances. They argued that industrial growth led to the reorganisation of labour markets and noted that this change coincided with a period when farm workers were increasingly displaced by agricultural machinery.⁶² Hobsbawm and Rudé indicated that these changes resulted in widespread poverty among the labouring population and suggested that their effects were amplified because labouring households were made more wage dependent by the process of enclosure.⁶³ In short, they argued that these factors created an inflammatory environment where rebellion was almost inevitable.⁶⁴

As convincing as Hobsbawm and Rudé' arguments are, their work can be criticised because the pair used an extremely broad brush to deal with the subject of enclosure.⁶⁵ In chronological terms this is problematic, since much of Kent had already been divided up by the end of the seventeenth century.⁶⁶ This means that labouring households in the region had quite some considerable time to recover from the worst effects of the enclosures. Of course, this opens up the possibility that Hobsbawm and Rudé overestimated how the process of enclosure contributed to the disturbances in Kent. Even so, it is clear from their study that labouring communities in Oxfordshire were prepared to step beyond the law in order to preserve or reclaim common rights that they used to supplement their regular earnings.⁶⁷ For instance, both the Hammonds and Bernard Reaney have produced detailed accounts of the enclosure uprisings that occurred at

⁶² Ibid, 23-93.

⁶³ Ibid, p. 35.

⁶⁴ Ibid, p. 91.

⁶⁵ In fact, they devoted fewer than half a dozen pages of their three hundred and sixty plus page study to explain how the process of enclosure affected labouring household in the south of the country. For more on this see: Hobsbawm and Rudé, Captain Swing, p. 372.

⁶⁶ Wordie, 'The Chronology of English Enclosure', p. 489.

⁶⁷ Hobsbawm and Rudé, Captain Swing, 68-9 and 140-2.

Otmoor, in the northern part of the county in the late 1820s and early 1830s.⁶⁸ Similar ground has also been covered by Frank Emery. He suggested that the Otmoor inhabitants were opposed to the division of moorland because they had observed how the process of enclosure had economically degraded communities in other areas.⁶⁹ In a more recent survey, Paul Carter has argued that enclosure protests were quite common and fairly widespread throughout the eighteenth and early part of the nineteenth century. His survey concentrates on disturbances that occurred in Middlesex between 1700 and 1835.⁷⁰ Carter argues that labouring communities were opposed to the process of enclosure because it limited their access to common land and that this meant that they lost the degree of independence that these rights afforded them from absolute wage dependency.⁷¹

It is clear from the above, that disputes about living standards were often at the heart of protest movements. A similar point was made by Hobsbawm and Rudé. They recognised that a number of key elements linked disparate protests like those described above together. Firstly, they suggested that the labourers wanted to achieve a 'minimum living wage'.⁷² Secondly, they suggested that their purpose was to bring an end to rural unemployment.⁷³ Hobsbawm and Rudé also argued that protests took on many different forms because the protesters adapted their tactics to suit 'the occasion and the opportunities at hand'.⁷⁴ It is apparent from this literature review that different tensions were behind the Swing disturbances in Kent and the uprisings in Oxfordshire.

⁶⁸ For a full account of the uprisings see: Hammond and Hammond, The Village Labourer, 65-72 and Bernard Reaney, The Class Struggle in 19th Century Oxfordshire: The Social and Communal Background to the Otmoor disturbances of 1830 to 1830 (Oxford: History Workshop Ruskin College, 1970), *passim*.

⁶⁹ Frank Emery, The Making of the English Landscape: The Oxfordshire Landscape (London: Hodder and Staughton, 1974), p. 157.

⁷⁰ Carter, 'Enclosure, Waged Labour and the Formation of Class Consciousness', 269-93.

⁷¹ *Ibid*, p. 276.

⁷² Hobsbawm and Rudé, Captain Swing, p. 195.

⁷³ *Ibid*.

⁷⁴ *Ibid*.

What is not clear, however, is whether these protests were linked to the makeshift economies of the poor, or whether they were simply a way of labouring communities registering their displeasure when they lost their rights over common land. Clearly, there are opportunities for this thesis to resolve this ambiguity. To do this, it will need to look at the range of factors that motivated protesters to articulate their discontent in Kent and Oxfordshire. In particular, it will need to consider whether there was any correlation between the makeshift strategies that the poor in the two regions used to support their households and how they expressed their dissatisfaction at socio-economic change. Because the timeframe covers a much greater period than the studies produced by the Hammonds, Reaney and Hobsbawm and Rudé, this survey will also be able to show how the process of enclosure affected labouring communities in Kent and Oxfordshire over the longer term. This will then allow us to see whether the process of enclosure was responsible for any increase in crime in the two regions between 1830 and 1885.

Yet, any study that tries to establish a link between the enforcement of legislation and distress will need to overcome some problems. Not least of these is the difficulty of separating offenders who supplemented their household earnings with practices that were criminalised, from those who relied solely on the proceeds of crime for their livelihoods. It is clear for example, that poachers in the eighteenth century were motivated by a variety of social, economic and political reasons. For instance, Linebaugh suggested that the meat trades in London were supplied by poaching gangs operating in Hampshire.⁷⁵ Similarly, Clive Emsley indicated that poachers were often able to operate with impunity in areas where individuals were hostile to the Game Laws, or when there was an opportunity for communities to profit from poaching.⁷⁶ In contrast, Douglas Hay argues that poachers were not confined to the lower orders. He observes that middling men

⁷⁵ Peter Linebaugh, The London Hanged (London: Verso, 2006), 202-3.

⁷⁶ Emsley, Crime and Society, 3-4 and 81-2.

without property rights were among those suspected of poaching on Cannock Chase.⁷⁷ As useful as these studies are for the direction that they provide, it has to be remembered that for the most part they relate specifically to the eighteenth century.

In a study that is more relevant to this thesis because it is situated within the nineteenth century, D.J.V. Jones blames the confusion over the causes of poaching on a lack of reliable sources. He supports his argument with three examples. Firstly, he notes that petty session records reveal little about an offender's background. Moreover, he suggests that newspapers articles do not provide a definitive account of poaching because editors were often selective about the cases that they covered. Finally, he argues that many incidents may have gone unreported because farmers and landowners were fearful of reprisals.⁷⁸ In spite of these concerns, Jones believes that a study of poaching can tell us much about the changing nature of rural life. For example, he argues that distress was one of the major factors behind high levels of poaching in the nineteenth century. To support this claim he notes that poaching often increased in areas when food prices were high and employment was scarce. Moreover, he cites several cases where labourers were prepared to break the law rather than see their families enter the workhouse.⁷⁹ Although the studies discussed above outline some of the reasons behind poaching, it is evident that a more detailed comparative study will show how the offence fitted into the local economies of Kent and Oxfordshire. For this study to avoid some of the pitfalls highlighted by Jones et al. it will need to look closely at a variety of sources, in order to build a better profile of offenders.

So far, this literature review has identified a number of ways in which this thesis can contribute to the current historiography that relates to the study of crime and its links to poverty in

⁷⁷ Peter Linebaugh, E.P. Thompson, John G. Rule and Carl Winslow, Albion's Fatal Tree: Crime and Society in the Eighteenth Century (London: Penguin Books Ltd, 1977), 208-9.

⁷⁸ D.J.V. Jones, 'The Poacher: A Study in Victorian Crime and Protest', The Historical Journal, Vol. 22, No. 4 (1979), p. 829.

⁷⁹ Ibid, p. 825-60.

Kent and Oxfordshire between 1830 and 1885. To a large extent, this assessment has focused on how poor households in rural settings were affected by legislative reforms. It is clear from this study that the process of enclosure limited the rights that the poor had over common land. Similarly, the introduction of the New Poor Law was intended to restrict the amount of assistance that unions provided to the able-bodied outside of the workhouse. In both instances, these reforms made the rural poor more dependent on their regular earnings and decidedly more vulnerable during periods of economic uncertainty. Yet none of the sources surveyed above have considered in any great detail whether these circumstances encouraged the labouring poor in Kent and Oxfordshire to rely on criminalised activities to offset the deficit that these changes left in their household budgets.

Urban Crime and Makeshift Households

This thesis is not only concerned with the impact that legislative reforms had on rural households. By virtue of its comparative nature, it is also interested in showing whether the urban poor also used crime to counterbalance the effect that growing industrialisation had on their household economies. As the next chapter will demonstrate, Oxfordshire saw little in the way of industrial development between 1830 and 1885. As a result, the labouring population in the region continued to depend heavily on the agrarian sector for its livelihood.⁸⁰ In contrast, the economy of the Medway towns underwent a considerable transformation over the same period. There were two main drivers behind this change. Firstly, a 380 acre extension was added to the Chatham dockyard in the 1850s and 1860s, to accommodate the switch from sail to steam powered ships and to compensate for the closure of the Woolwich yard in 1869.⁸¹ Secondly, building industries started to settle in the area, to service the demand for construction materials in London.⁸² This expansion drew a diverse range

⁸⁰ King and Timmins, Making Sense of the Industrial Revolution, 187-8.

⁸¹ J.M. Preston, Industrial Medway: An Historical Survey (Rochester: J.M. Preston, 1977), p. 128-9.

⁸² *Ibid*, 65-98.

of social groups into the area in search of employment.⁸³ Leon Radzinowicz and Roger Hood suggested that social upheaval of this sort often had an impact on criminality. They concluded that when populations were collected together in large towns, the resulting social conditions were usually conducive to some increase in criminality.⁸⁴ A similar point was made by David Philips in his study of crime in the Black Country. He found that there was a rise in the number of reported larcenies for items of little intrinsic value, as the towns in the region grew in size.⁸⁵

Research carried out by Judith Walkowitz, however, suggests that population growth and urbanisation were not the only factors that were responsible for the spread of crime in urban centres. Part of Walkowitz's study is concerned with the kind of socio-economic conditions that encouraged prostitutes to settle in particular locations. Using information that she extracted from police returns, Walkowitz noted that prostitutes tended to congregate in commercial ports and pleasure resorts, rather than manufacturing and agricultural towns. Walkowitz used several arguments to explain these findings. Firstly, she suggested that employment opportunities for women were limited and that this situation contributed to the high levels of prostitution that were found in port and garrison towns. Moreover, she argued that the male population in these urban centres was likely to have been more transient and therefore more promiscuous. In contrast, she noted that it was easier for both men and women to secure employment in rural and textile towns. Walkowitz suggested that this security encouraged closer social networks and discouraged sexual relationships outside of marriage.⁸⁶ As useful as her study is for understanding some of the causes of prostitution, there are limits to what Walkowitz's analysis can tell us about the socio-economic reasons behind the trade in Kent and Oxfordshire between 1830 and 1885. Essentially, this is because the chronological and

⁸³ Ibid.

⁸⁴ Leon Radzinowicz and Roger Hood, The Emergence of Penal Policy in Victorian and Edwardian England (Oxford: Clarendon Paperbacks, 1990), 69-71.

⁸⁵ Philips, Crime and Authority, 283-6.

⁸⁶ Judith R. Walkowitz, Prostitution and Victorian Society: Women, Class, and the State (Cambridge: Cambridge University Press, 1999), p. 22.

geographical boundaries of her survey are extremely narrow. For instance, it relied on data for “known prostitutes” in London between 1857 and 1869.⁸⁷

Similar criticism can also be levelled at Brian Joyce’s study of prostitution in the Medway region.⁸⁸ Joyce’s monograph concentrates on prostitution in the garrison and naval districts of Chatham. The first part of his study outlines the key social and economic characteristics of the town. He then uses this as a platform to explain why certain parts of Chatham experienced high levels of prostitution.⁸⁹ In common with Walkowitz, Joyce found evidence to suggest that poor social conditions were responsible for large numbers of women engaging in prostitution. Joyce argued rather convincingly, that the dockyards and garrisons dominated the local economy. He suggested that this limited the kind of employment opportunities that were open to women in the town.⁹⁰ At the same time, he also noted that the large number of servicemen stationed in the area provided prostitutes with a willing clientele. Joyce therefore appeared to suggest that prostitution in Chatham was not entirely driven by economic necessity, but that it was also a consequence of financial opportunism.⁹¹ His study, however, concentrates solely on the activities of prostitutes during the latter part of the nineteenth century. Clearly, there is an opportunity for this thesis to revisit the debate surrounding the link between crime and poverty. Firstly, by looking at a wider range of offences, and secondly, to see how they were linked to the changes that occurred in labour markets and society in Kent and Oxfordshire over the longer term.

⁸⁷ Ibid, 21-2.

⁸⁸ Brian Joyce, The Chatham Scandal: A history of Medway’s Prostitution in the Late 19th Century (Rochester: Baggins Book Bazaar/Bruce Aubry, 1999).

⁸⁹ Ibid, 1-46.

⁹⁰ Ibid.

⁹¹ Ibid.

The Judicial System and Policing

In order to maintain a sense of continuity with the rural studies that were outlined above, this investigation will also need to look at the impact that legislative reforms had on patterns of criminality in urban areas. Such an undertaking is necessary for a number of reasons. Firstly, it is apparent from the study that was carried out by David Philips that indictments did not simply increase because more criminals were committing unlawful offences. Instead, Philips notes that the greater proportion of the increase in recorded crime in the Black Country was due to changes that were made to the judicial system. For instance, he observed that the Criminal Justice Act 1855 reduced the cost of prosecutions and allowed cases to be dealt with more swiftly by magistrates sitting in Petty Sessions. He explains that these modifications made it easier for the lower classes to prosecute offenders and that consequently more offenders passed through the court system.⁹²

More recently, Carolyn Conley has looked at how Kent's criminal justice system functioned during the second half of the nineteenth century.⁹³ On this point alone, her study is clearly more relevant to the research that is being carried out by this thesis, than the one produced by Philips. However, there are two reasons why Conley's work is not as far reaching as it might have been. Both relate to her choice of source material. Firstly, her analysis is too dependent on documents that were drawn from the second half of the nineteenth century. Consequently, it is unable to show how the character of justice evolved in Kent during the first years covered by this thesis. Of a more pressing concern is the fact that her study relies heavily on articles that were published in national and local newspapers. Conley was clearly aware that this approach might attract criticism when she noted that the reporting of crime in newspapers was in no way comprehensive and that published

⁹² Philips, Crime and Authority, 132-5 and 283-6.

⁹³ Carolyn Conley, The Unwritten Law Criminal Justice in Victorian Kent (New York: Oxford University Press, 1991).

articles were often laden with 'editorial bias'.⁹⁴ Moreover, she conceded that this would inevitably undermine the validity of her statistical findings.⁹⁵

In comparison, little has been written about how justice was dispensed in Oxfordshire in the nineteenth century. Bernard Reaney touched on the subject in his account of the Otmoor uprisings. For instance, he offered a brief overview of the events that surrounded the trial and acquittal of men who were involved in breaking the banks of the river Ray in June 1830.⁹⁶ He also provided a lively commentary on the circumstances that led up to the arrest and eventual rescue of 44 protesters by a mob at St. Giles, after the moor was 'possessed', a few months later on the 6th September.⁹⁷ However, his description of the trial tells us little about the actual proceedings. He simply noted that:

After their arrest, the Otmoor prisoners were held for a short time in a stable at Islip. Here two parson-magistrates – Rev. Theophilus Cooke, Rector of Beckley, and Rev. Vaughan Thomas, a prominent Oxford clergyman – examined them one by one, 'and 44 of them were selected for imprisonment in Oxford Castle'.⁹⁸

From these sketchy details it is possible to see that the men were tried summarily, perhaps within a few hours of their capture. However, Reaney's failure to explain the offences that the men were charged with, or what evidence was used against them, means that it is difficult to ascertain whether these hearings were typical of summary trials in Oxfordshire at this time. It is also not possible to

⁹⁴ Ibid, 13-4.

⁹⁵ Ibid, p. 14.

⁹⁶ Reaney, The Class Struggle, 66-7.

⁹⁷ Ibid, 37-8

⁹⁸ Ibid, p. 37.

tell from Reaney's study whether socio-economic change had any impact on the character of justice in the region in later decades, because it focuses so closely on events that occurred at Otmoor in the early 1830s. In light of these criticisms and those that were directed at the above studies, there is clearly scope for this thesis to build on the work that Conley and Reaney have started. Firstly, by demonstrating how industrial growth affected the character of justice in Kent and Oxfordshire between 1830 and 1885. Secondly, by considering whether the agencies that were responsible for upholding the law presented an effective deterrent against offenders and whether their actions had a noticeable effect on the makeshift strategies that the poor used to support their households in the two regions.

Research produced by Judith and Daniel Walkowitz gives this line of inquiry credibility. For instance, they showed how the authorities used the Contagious Disease Acts to control and check prostitution in Plymouth and Southampton. The three bills that were introduced between 1864 and 1869, were intended to give the authorities, broad discretionary powers over women who were suspected of being prostitutes in designated areas of towns where there was a high concentration of military and naval personnel. Ultimately, they were supposed to safeguard the health of the armed forces in seventeen districts across England and Ireland.⁹⁹ The Medway town of Chatham was one of the districts that was covered by the legislation, after a new act was introduced in 1866.¹⁰⁰ The Walkowitzs claimed that the authorities in Plymouth and Southampton were able to enforce the Acts because there was a general climate of intolerance against social deviancy among the lower classes.¹⁰¹ In a separate study, David Phillips has also suggested that the authorities required the cooperation of the local population to enforce the law. He notes that the police in the Black Country were not numerically strong enough to coerce obedience from the

⁹⁹ Judith R. Walkowitz and Daniel J. Walkowitz, "We Are Not Beasts of the Field" - Prostitution and the Poor in Plymouth and Southampton under the Contagious Disease Acts', Feminist Studies, Vol. 1, No.3/4 (1973), 73-106.

¹⁰⁰ Walkowitz, Prostitution and Victorian Society, p. 78.

¹⁰¹ Walkowitz and Walkowitz, "We Are Not Beasts of the Field", 73-106.

public on their own. Instead he suggests that law and order was achieved because the public accepted the legitimacy of the legal system.¹⁰²

Brian Joyce, however, implied that the opposite was true of the Medway towns. He observed that an area of Chatham known as Old Brompton was plagued by drunkenness, violence and prostitution.¹⁰³ Paul Hastings suggests that this was because the county's constabulary was extremely fragmented and uncoordinated for much of the nineteenth century. He notes for example, that the town of Chatham relied on a system of informal watch committees and parish constables, manned by untrained local citizens. Moreover, he argues that it was not until the Borough Police Act was introduced in 1856, that the authorities were forced to place the constabulary on a more professional footing.¹⁰⁴ However, Hastings also observes that the force continued to experience problems with poor discipline and staffing shortages for some time after and that this had an impact on the force's ability to maintain law and order in the region. He suggests that this was because a deeply embedded culture of long hours and low pay persisted into the 1890s.¹⁰⁵ Hastings' study, however, only provides a brief overview of how policing in Kent altered over the nineteenth century. This is because it does not concentrate solely on the nineteenth century or focus exclusively on the Medway towns. Instead, it spans a period of more than two hundred years and looks at the character of policing across the whole of Kent. This means that Hastings' study does not really show whether or not the constabulary in its different incarnations met with much success in controlling crime among the labouring population in the Medway basin.

¹⁰² Philips, 283-6.

¹⁰³ Joyce, The Chatham Scandal, 1-3.

¹⁰⁴ Paul Hastings, 'Crime and Public Order', in Paul Lansberry (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 237-8

¹⁰⁵ Ibid, 240-3.

Studies of this kind that are relevant to Oxfordshire are also in rather short supply. Reaney touched on the subject of rural policing in his analysis of the Otmoor disputes.¹⁰⁶ For instance, he suggested that the local constabulary were no match for the Otmoor inhabitants who were determined to see their customary rights over the moor restored. He noted that the situation deteriorated to such an extent that the authorities found it necessary to draft in officers from the newly formed Metropolitan force. The detachment, however, struggled to restore order. Instead they became embroiled in a bitter and protracted dispute with villagers who lived in the vicinity of the moor.¹⁰⁷ In doing so, Reaney's survey provides some insights into the kind of authority that officials were able to exert over rural communities in the late 1820s and early 1830s. It has been noted elsewhere in this chapter, however, that Reaney was mostly concerned with the matter of class struggle during a period of enormous social upheaval. Consequently, his study does not really explain whether the Oxfordshire constabulary presented an effective deterrent against offenders later on in the nineteenth century.

Research produced by Arthur J. Engel helps to bridge this historiographical gap. His survey looks at the different mechanisms that the authorities in Oxford used to control prostitution.¹⁰⁸ It is clear from his study that policing in Kent and Oxfordshire was similar in many ways. For instance, he noted that the county town was patrolled by volunteer watch committees. These worked alongside a force of officers that was financed by the university.¹⁰⁹ It is clear from Engel's account that these agencies had different objectives. The result was that there was often little coordination between the university police and the watch committees.¹¹⁰ There can be little doubt that this had

¹⁰⁶ Reaney, *The Class Struggle*, *passim*.

¹⁰⁷ *Ibid*, 46-60.

¹⁰⁸ Arthur J. Engel, "'Immoral Intentions': The University of Oxford and the Problem of Prostitution 1827-1914", *Victorian Studies*, Vol. 23, No.1 (1979), 79-107.

¹⁰⁹ *Ibid*, p. 81.

¹¹⁰ *Ibid*, p. 94.

an impact on the ability of both parties to suppress crime in Oxford, as the population of the city expanded in the 1840s and 1850s.¹¹¹

An article that was written by Robert D. Storch, suggests that this state of affairs continued, even after the passing of the Borough Police Act 1856.¹¹² Storch's study centres on a series of disturbances that occurred in Oxford and Devon in 1867. He argued that minor disturbances were not uncommon in the city. He noted for example, that disagreements often broke out between the students and the city's residents, especially during the celebrations for Guy Fawkes in November. However, he observed that the festivities were markedly different in 1867. High food prices and labour disputes provided the catalyst for six nights of rioting.¹¹³ Several things are clear from Storch's analysis of these events. Firstly, that the local constabulary did not have enough of a presence in Oxford to contain the situation. In fact, he noted that the mayor was forced to ask the Home Secretary for assistance and eventually two companies of Guards were sent from Windsor to help quell the rioters.¹¹⁴ Storch also implies that the festivities simply provided the rioters with a forum to air their grievances. However, the real source of their aggravation was distress and social deprivation. Even so, it is clear there are limits to what Storch's, or for that matter Engel's survey can tell us about the relationship between crime and poverty during the period covered by this thesis.

To deal with the limitations of Storch's study first. One gets little sense of whether the events that he described happened in isolation, or whether they were linked to changes that occurred in society over a longer timescale. This is because his survey is situated in late 1860s. Moreover, it focuses primarily on food riots that were local to Oxford. Again this makes it difficult to tell

¹¹¹ Ibid, p. 99.

¹¹² Robert D. Storch 'Popular Festivity and Consumer Protest: Food Price Disturbances in the Southwest and Oxfordshire in 1867', *Albion*, Vol. 14. No. 3 (1998), p. 225.

¹¹³ Ibid, 224-30.

¹¹⁴ Ibid, p. 228.

whether poverty was responsible for criminal activity in other parts of the region. This is particularly intriguing, since Storch makes a passing reference to a riot in Bicester that was linked to food prices.¹¹⁵ Similar criticism can also be directed at Engel's study. For instance, he noted that prostitutes often came from the lower classes and that for these women the trade was regarded as a makeshift occupation that could be used to tide them over during periods of economic uncertainty.¹¹⁶ Clearly, these observations resonate with the study that is being carried out by this thesis. However, it needs to be remembered that the boundaries of Engel's survey are much narrower because it relates specifically to prostitution in Oxford. Therefore, it tells us little about whether the authorities in more rural parts of the county encountered similar problems with prostitutes, or whether poverty was a motivating factor behind other kinds of offences in more outlying districts.

There are several ways in which this thesis can address these shortcomings. Firstly, by looking at a wider range of offences than the two studies discussed above. Instead of concentrating solely on riots and prostitution, it will also consider whether offences like vagrancy, poaching and petty theft were included in the array of makeshift strategies that the labouring poor in the Medway basin and the Ploughley Hundred used to support their households.¹¹⁷ This undertaking will also look at whether there was any link between criminality and the kind of social and economic changes that occurred in the two regions between 1830 and 1885.¹¹⁸ It is also clear from the studies produced by Reaney, Engel and Storch that the authorities often struggled to control the behaviour of criminals. None of these surveys, however, consider in any great detail whether this was because they lacked the commitment, or the necessary resources to deal with members of the labouring

¹¹⁵ Ibid, p. 230.

¹¹⁶ Arthur J. Engel, "Immoral Intentions", 88-9.

¹¹⁷ The introductory chapter explains in more detail than is possible here why these offences should form part of the investigation being carried out by this thesis.

¹¹⁸ The introductory chapter to this thesis explains in more detail why these particular offences have been placed under the spotlight.

community who were inclined towards criminality. It therefore seems reasonable to suggest that this thesis can improve on this situation by examining the kind of mechanisms that were in place in Kent and Oxfordshire to combat criminality among the labouring poor. Such an undertaking is necessary for two reasons. Firstly, it will give some indication of the lengths that the labouring poor were prepared to go to, in order to protect their makeshift households. At the same time it will also establish whether there was a firm link between crime and poverty, or whether some sections of the labouring poor simply exploited weaknesses in the structure of the police and justice system and used them to their advantage.

Conclusions

In summary, it has been the purpose of this chapter to identify areas where this thesis can contribute to the present historiography on the link between crime and poverty in the nineteenth century. Several things are apparent from this investigation. Firstly, that historians like Tomkins and King have managed to rework Hufton's original concept of the *economy of makeshift*, so that it is more suited to the English experience of poverty. Similarly, Horrell and Humphries have demonstrated that makeshift households were vulnerable to downturns in the economy and to the sort of changes that occurred in labour markets as a result of growing industrialisation. It is also apparent that legislative reforms sometimes removed or interfered with resources that the labouring population used to augment their household earnings. This was evident from the studies that were produced by Marshall, Hanley and Lane. All three showed how of how character was increasingly used as a measure to determine whether individuals were eligible for relief under the Old Poor Law. Research produced by the Webbs, Steven King and Peter Wood suggests that in many instances, this situation worsened after the introduction of the New Poor Law. For instance, under the terms of the 1834 Act, the able-bodied and their families were denied access to relief unless they agreed to enter the workhouse. Paradoxically, unions were encouraged to make conditions inside workhouses

as unpleasant as possible, so that the institutions were be unappealing to all but the most desperate of paupers.

It is clear, however, that this shift in welfare policy coincided with a period when other reforms were making it increasingly difficult for large sections of the pauper population to lead independent lives, away from the workhouse. For instance, the Hammonds, Hobsbawm and Rudé and more recently, Jane Humphries and Paul Carter have suggested that the process of enclosure restricted the access that the poor had to common land and that this had important consequences for their household budgets. To support this claim they note that the poor often regarded open land as a valuable resource. For instance, livestock that was reared on the commons could be sold in the market place, or used to improve their dietary intake. They argue that when the poor lost these rights they were made more wage dependent. Yet, with the exception of Hobsbawm and Rudé's survey of the Swing disturbances, none of the above studies consider whether the poor in Kent or, Oxfordshire resorted to acts of criminality to reduce the impact that these changes had on their household economies.

The narrow focus of Hobsbawm and Rudé's survey, however, means that there is more that this thesis can do to link crime to socio-economic change. For example, it is apparent from the investigation that has been carried out in this chapter that the enclosure of land in Kent and Oxfordshire was not coordinated. While large tracts of land in Oxfordshire remained open into the nineteenth century, the process of enclosure had been largely completed in Kent by the end of the seventeenth century. As a result, the two areas developed very different social and economic identities during the period covered by this thesis. While the economy of Oxfordshire remained firmly rooted in agriculture, the Medway towns underwent a period of extensive growth that was driven by the expansion of industry in the region. In addition to Hobsbawm and Rudé's discussion of the Swing riots, several more of the studies that have been surveyed in this chapter suggest that these changes may have been responsible for outbreaks of criminality in the two regions. For instance, Reaney has indicated that rural poverty was one of the factors behind the enclosure

disputes in Oxfordshire during the early 1830s. Similarly, Joyce has suggested that the high levels of prostitution that were found in the maritime and garrison town of Chatham were linked to the limited employment opportunities that were available to women in the Medway area. All of these studies, however, concentrate on specific offences, within limited timeframes. Clearly, there is room for a more comprehensive study that looks at the impact that a range of factors like gender, labour markets and socio-economic change had on patterns of criminality in Kent and Oxfordshire, over the longer term.

It seems reasonable to suggest that there is scope for this analysis to also look at how the authorities in the two regions responded to acts of criminality between 1830 and 1885. There are two reasons why such an undertaking is necessary. Firstly, it is clear from Philip's study of crime in the Black Country, that the authorities needed the cooperation of the public to maintain law and order in the region. Secondly, it is apparent that legislative reforms increased the jurisdiction of the petty courts and at the same time made it easier for individuals to prosecute. None of the sources reviewed in this chapter, however, have tried to assess how these changes impacted on patterns of crime in the Medway basin and the Ploughley Hundred between 1830 and 1885. For instance, Carolyn Conley's analysis of Kent's criminal justice system concentrates on the administration of the courts and the constabulary during the second half of nineteenth century. Similar gaps exist in the historiography of Oxfordshire. Apart from Reaney's analysis of the Otmoor uprisings, no large scale studies have looked at how the authorities responded to acts of criminality in the region during the mid and latter years of the nineteenth century. There are two ways in which this thesis can help to rectify this situation. Firstly, by considering whether the courts and constabulary presented an effective deterrent to criminals in Kent and Oxfordshire 1830 and 1885. Secondly, by examining whether the legal framework that the authorities used to control the behaviour of the labouring poor in the two areas had any impact on the strategies that the poor used to support their makeshift households. In doing so it will represent the first serious attempt to show how criminality was

shaped by legislative reforms and the changes that occurred in labour markets in two distinct socio-economic regions over the course of the nineteenth century.

Chapter Three:

The Social and Economic Development of Oxfordshire and Kent 1830-1885

In 1969, Hobsbawm and Rudé tried to explain how industrialisation affected the living standards of the agricultural poor in the south of England, in their survey of the Swing riots. Part of this seminal work examined how the independence of labouring households was undermined by the erosion of customary rights. Hobsbawm and Rudé argued that the process was ultimately responsible for the disturbances which erupted in the rural districts of Kent in the 1830s.¹ Similar territory was covered by the Hammonds half a century earlier.² Although both discourses did much to highlight how changing socio-economic conditions affected the households of the labouring poor, they also seemed to promote the idea that the economy of southern England was almost entirely dependent upon agriculture during the nineteenth century.

More recently, Carolyn Conley has fuelled this perspective, with her examination of the criminal justice system in Kent. She claims for example, that there were no manufacturing centres in the region, even though most of the population was living in towns by the 1860s. Instead she maintains the economy was based largely upon tourism and that large numbers of people were employed by the government.³ Whilst this may be true, it is also patently clear that much of her knowledge of the region has been gleaned from secondary publications and census material, rather than any firsthand knowledge of the county. For instance, she failed to take account of how the

¹ E.J. Hobsbawm and George Rudé, Captain Swing (London: Laurence and Wishart, 1970), *passim*.

² J.L. Hammond and Barbara Hammond, The Village Labourer 1760-1832: A Study in the Government of England Before the Reform Bill (London: Longmans, Green And Co, 1920), *passim*.

³ Carolyn A. Conley, The Unwritten Law: Criminal Justice in Victorian Kent (Oxford: Oxford University Press, 1991), 2-14.

dockyard at Chatham operated as a manufacturing centre and has overlooked the effect that the expansion of building industries had on population growth in the region from the 1850s onwards.⁴

The purpose of this thesis is to show whether economic hardship resulted in criminality among the labouring poor in the Medway towns and districts of north Oxfordshire between 1830 and 1880. This chapter therefore seeks to identify key areas of difference between the economies of the two regions both in terms of industrial development and welfare provision. The regions were chosen primarily because they provide a suitable contrast to each other. For example, the principal towns in the Medway Valley offered the labouring classes a range of employment opportunities linked to shipping, paper making and the building industry. It will also become clear that these towns also developed different economic identities. In comparison, Oxfordshire remained predominantly rural over the course of the nineteenth century. The contrast between the two places will allow us to compare the experience of the labouring poor living and working in urban and rural environments and to see how their households coped with growing industrialisation.⁵

It is evident, however, that the scope of such an inquiry could easily extend beyond the boundaries of this thesis. This difficulty has been partly overcome by confining our survey of Kent to a particular geographical and socio-economic region. Similar constraints are necessary if we are to gain a detailed insight into how the economy of Oxfordshire developed over the course of the nineteenth century. It seems appropriate therefore, for us to focus on a region where the effects of industrialisation were clearly felt. The Ploughley Hundred was chosen for a number of reasons.

Firstly, the district covered nearly twenty per cent of the acreage of the northern part of Oxfordshire.⁶ Moreover, the market town of Bicester, one of the most significant urban areas to the

⁴ J.M. Preston, Industrial Medway: An Historical Survey (Rochester: J.M. Preston, 1977), *passim*.

⁵ For an impression of the geography of the two regions, see figure 1.

⁶ Arthur Young estimated that the northern part of Oxfordshire amounted to 309,000 acres. In 1831, the thirty eight parishes which made up the Ploughley Hundred covered an area exceeding sixty thousand acres. In contrast the Chatham and Gillingham Hundred, the Maidstone Hundred

north of Oxford, was also situated in the region. After the passing of the Poor Law Amendment Act, the town grew in importance when the guardians of the Bicester Union were made responsible for administering relief to the inhabitants of the thirty eight parishes which made up the Ploughley Hundred.⁷ Clearly, there are opportunities for us to see how the guardians dealt with pauperism across such a large agricultural district, throughout the period under study in this thesis. The final reason for showing an interest in this region is that the inhabitants from seven parishes in the Otmoor district of the Ploughley Hundred were involved in one of the most bitterly contested enclosures of the nineteenth century.⁸ The dispute at Otmoor presents this thesis with a good opportunity to examine closely how the process of enclosure affected the household economies of the labouring poor in north Oxfordshire over the long term. The study being carried out in this chapter should therefore provide a valuable background to the economic and social development of the two regions and assist our ongoing investigation into the linkage between makeshift economies, employment prospects and criminality among the labouring poor in rural and urban districts.

However, it is clear that within the confines of this chapter we will be unable to gain more than an overview of the circumstances which may have encouraged the labouring poor to rely on criminal activities to supplement their household earnings. To overcome this difficulty, this chapter will be divided into three sections. The first will describe the socio-economic climate of Kent and Oxfordshire at the beginning of our period. It will aim to highlight areas of difference between the

and the towns of Chatham and Rochester amounted to 23, 290 acres. For further discussion see: Arthur Young, A View of the Agriculture of Oxfordshire Drawn up for the Board of Agriculture and Internal Improvement By the Secretary of the Board (London: McMillan, 1809), p. 1 and Abstract of Population Returns of Great Britain, 1831, 262-78 and 498-500. [Document number: 36.259-78; Parliamentary Papers.]

⁷ Mary D. Lobel and Gwendoline H. Dannatt, Bicester: Victoria County History: County of Oxford Volume VI (London: Institute of Historical Research (OUP), 1959), p. 40.

⁸ Hammond and Hammond, The Village Labourer and Bernard Reaney, Class Struggle in 19th Century Oxfordshire The Social and Communal Background to the Otmoor Disturbances of 1830 to 1835 (Oxford: History Workshop, 1971), *passim*.

two counties economies; particular attention will be given to employment as well as an understanding of how the authorities administered the poor laws. This will be followed by an appraisal of how the two economies had developed by the mid-century. To do this it will look at how the expansion of the dockyards and the introduction of new industries into the Medway basin affected the local population and the infrastructure of towns in the area. A similar survey will be carried out for rural districts of north Oxfordshire with a particular focus on the town of Bicester. This will enable us to see how the two regions differed in the middle years of the century. The final part will demonstrate how the economy of north Oxfordshire remained rooted in agriculture towards the end of the nineteenth century and at the same time show how the more densely populated Medway towns had developed as manufacturing centres. Through this analysis the chapter will explain why the labouring poor in the two regions may have found it necessary to rely on criminal activities to support their household earnings during periods of hardship.

Oxfordshire and Kent, Circa. 1830

In 1809, a report was produced by the celebrated agricultural commentator Arthur Young, detailing the state of farming in Oxfordshire for the Board of Agriculture. The report, which took Young two years to complete, included a concise topographical description of the countryside and an in depth analysis of the farming methods and crop systems used in the county.⁹ From this, it is possible to gain a clear insight into the geography of the county at the turn of the nineteenth century. Young noted that Oxfordshire:

it is in length, from the north-west extremity to the southeast, 50 miles. Being of a very irregular figure, it is not above seven miles across near the middle, at Oxford;

⁹ Young, A View of the Agriculture of Oxfordshire, *passim*.

though in the more northern part of the county, it measures 38 miles in diameter. The southern is also narrow, being not more than 12 miles across in any part south of Oxford...It contains fourteen hundreds, one city, twelve market-towns, 207 townships or parishes, and about 450, 000 acres; of which the part of north of Oxford contains 309,000 acres.¹⁰

In summarising the main features of the northern part of the county, Young observed that the climate was particularly cold and commented on the quality of the soil in the district surrounding Bicester. He attributed the coldness partly to the extensive use of stone walling which he believed offered little protection from the elements and noted that the dry, loose limestone soil was well suited to arable crops like turnip, but also fertile enough to support cereals like wheat and barley.¹¹ In 1816, John Dunkin supported Young's assessment, noting that the flat countryside around Bicester was made up of rich arable and pasturelands.¹² Young was a strong supporter of enclosure and expressed great satisfaction over the amount of land that had been divided up since his last visit to Oxfordshire in the 1760s.¹³ However, his observations suggest that nearly one hundred parishes or roughly half of the county remained open at the turn of the nineteenth century.¹⁴ Young's enthusiasm for enclosure, however, was not shared by all of his contemporaries. Dunkin, for example, offers a more humanistic perspective. Although he accepted landowners benefited from the process, it is clear that he believed the eighteenth century enclosure of the Market-end in Bicester, was a disaster for the poor community. He observed:

¹⁰ Ibid, p. 1.

¹¹ Ibid, 2-5 and 114-19.

¹² John Dunkin, The History and Antiquities of Bicester: A Market Town in Oxfordshire (London: 1816), p. 16.

¹³ G.E. Mingay (ed.), Arthur Young and His Times (London: Macmillan Press Ltd, 1975), *passim*.

¹⁴ Young, A View of the Agriculture of Oxfordshire, 87-95.

The inclosed lands were certainly improved in value, but many of the poorer inhabitants were ultimately considerable losers, since the sum received in compensation was gradually dissipated, and the privilege gone for ever [*sic*]. The expense of the inclosures could not be defrayed by others, and these also were obliged to sell; so that the evil fell upon those least able to bear it. It is not meant to insinuate that any imposition was practiced; but in all great changes, the poorer orders of society are certain of being sufferers, their circumstances not allowing them to benefit by the proffered advantage.¹⁵

Dunkin's remarks explain why the process of dividing up the moor was greeted with opposition from some in the local community. Emery for example, notes that trees were destroyed in the new enclosure and that some Bicester residents were forced to raise funds to prosecute the culprits.¹⁶ It is also apparent that these were not isolated incidents. When Sir Alexander Croke first applied to enclose Otmoor in 1786, the locals tore down preliminary notices from church doors and assaulted the men who were sent to survey the moor.¹⁷ Perhaps the most infamous incident occurred on the 6th September of 1830, when forty one people were arrested and transported to Oxford after a riot on the moor. By coincidence, the protest occurred on the same day as the fair at St. Giles. The yeomen escorting the offenders were confronted by hostile crowds who forced the release of the prisoners.¹⁸

¹⁵ Dunkin, The History and Antiquities of Bicester, p. 40.

¹⁶ Frank Emery, The Making of the English Landscape: The Oxfordshire Landscape (London: Hodder and Staughton, 1974), p. 132.

¹⁷ Reaney, The Class Struggle, *passim*.

¹⁸ *Ibid*.

The disputes at Otmoor spanned a period of about fifty years and involved a cross-section of the population.¹⁹ In order to understand why so many people living in north Oxfordshire resisted the moor's enclosure, we need to appreciate how it served the local residents. It is clear that both farmers and cottagers derived considerable financial benefits from keeping livestock on the moor. Dunkin noted that farmers could earn as much as 20s a head in profits from a summer's pasturage, whilst cottagers 'turned out large numbers of geese...and brought up their families in comparative plenty'.²⁰ It therefore seems likely that the local inhabitants anticipated (correctly), that the loss of the moor would permanently deny them access to a valuable resource and alter their traditional way of life.

There is considerable evidence to support this argument. Steven King and Geoffrey Timmins for example, observe that around seventy per cent of the population no longer had access to land once the moor was divided. They argue that this had a long-lasting effect on the earning potential of households in the area and contributed to widespread depopulation in the region.²¹ Clearly, there are grounds for this thesis to consider the long term consequences of legislation like enclosure and its effect on the livelihoods of the labouring poor. Such a study would also allow us see whether there was any link between legislative changes and criminality among the rural poor living in the Ploughley Hundred.

At the beginning of the nineteenth century, most people in Oxfordshire earned their living from agriculture. Industries which had previously prospered in the region had been in decline for some time.²² For example, Young remarked that the polished steel industry situated around Woodstock had experienced considerably difficulty, because similar products were being produced

¹⁹ Ibid, 34-69.

²⁰ Jackson's Oxford Journal, (September 11, 1830).

²¹ Steven King and Geoffrey Timmins, Making Sense of the Industrial Revolution English Economy and Society 1700-1850 (Manchester: Manchester University Press, 2001), 187-99.

²² The exception to this rule was the flourishing glove making business based at Woodstock. See: Arthur Young, A View of the Agriculture of Oxfordshire, 329-30.

more cheaply in the factories of Birmingham and Sheffield. To support this observation he noted that the once thriving trade which had offered employment to 'a considerable number of hands' had declined to such an extent that less than a dozen were still involved in the industry in 1809.²³ At the time of Young's visit the female poor in the south of the county were still able to earn a living from lace making and spinning.²⁴ However, Dunkin noted less than a decade later:

There is no manufacture of great importance now carried on at Bicester; though formerly the making of sack-cloth, and of common leather slippers, together with the combing of Jersey wool, formed the employment of a large proportion of the inhabitants. Some of the poor have been of late years employed in the lace trade; but even this seems declining...The town derives great benefit from its market and fair, which are well attended by dealers in cattle.²⁵

It seems unlikely that any single factor was responsible for the failure of manufacturing in the region. On the contrary, it appears that manufacturing had never really asserted itself in Oxfordshire, in a way which would have ensured its survival. There are several reasons to explain why this was so. Firstly, it is argued that entrepreneurs were discouraged from setting up commercial enterprises in the county because communications between the major towns were poor. It is apparent from the work of Turnbull that much of the success of the industrial revolution rested on the improvements that were made to transportation networks.²⁶ However, Young and Dunkin

²³ Ibid, p. 328.

²⁴ Ibid, p. 330.

²⁵ Dunkin, The History and Antiquities of Bicester, p. 20.

²⁶ Gerald Turnbull, 'Canals, Coal and Regional Growth during the Industrial Revolution', The Economic History Review, Vol. 40, No. 4 (1987), 537-60.

both remarked on the poor state of Oxfordshire's roads in the early nineteenth century.²⁷ Clearly this situation would have made it difficult for merchants to move goods and materials between manufacturing centres and the market place.

Secondly, it seems likely that conservatism played a part in preventing the spread of manufacturing in Oxfordshire. As we have already seen, labourers in many parts of the region were able to supplement their earnings quite successfully through subsistence farming.²⁸ The large estates were owned mostly by the church and gentry. Much of their income was derived from renting their lands to tenant farmers.²⁹ It is argued therefore, that there was not the motivation or momentum behind industrial development to see it succeed as it had elsewhere. In 1861, Charles Knight used similar arguments to explain why agriculture in Oxfordshire had not evolved much in a hundred years. He noted:

Oxfordshire cultivation was, a century ago, somewhat below the average of the inland counties. Its progress has not been very remarkable. The chief bar to improvement was the existence of large tracts as common field. There were few wastes. The culture of green crops and root crops has gone on, though not very rapidly. The farm buildings are generally old and inconvenient; the implements are of old fashion; the occupation roads are execrable. The large farmers are described as intelligent and industrious; but not so spirited or progressive as the tenantry of some other counties.

²⁷ Young, A View of the Agriculture of Oxfordshire, 14-15 and 324-5 and Dunkin, The History and Antiquities of Bicester, p. 13.

²⁸ Hammond and Hammond, The Village Labourer, p. 64

²⁹ Richard Davis, General View of the Agriculture of the County of Oxford, with Observations on the Means of its Improvement. By Richard Davis, Topographer to His Majesty. Drawn up for the Consideration of the Board of Agriculture and Internal Improvement (London: 1794), p. 11.

The lesser yeomen too often “crawl on in the same tract their ancestors jogged over a century ago”.³⁰

Further clues as to why cottage industries in Oxfordshire did not develop beyond the proto-industrial stage can be seen in the models developed by Franklin F. Mendels in the 1970s.³¹ Mendels argued that a number of factors ensured the success of manufacturing in early modern Europe. Key among these was the ability for manufacturing districts to adapt to market conditions. Areas that over-specialised or relied heavily on commercial agriculture often saw industrial development stall. Mendels also argued that the relationship between population growth and industrialisation was both mutual and ongoing. Regions which experienced continued population growth and greater urbanisation were better placed to develop as industrial centres.³²

Some later contributions to the debate have questioned the flexibility of Mendels' concept of proto-industrialisation and have criticised his approach as being too general.³³ However, the work of Berg and Hudson demonstrates how important population growth was to the advancement and sustainability of micro-economies.³⁴ It is clear from census figures, that the population of

³⁰ Charles Knight, The Popular History of England An Illustrated History of Society and Government From the Earliest Period to our Own Times Volume VII. From The Close Of The American War, 1788, To The Restoration Of The Bourbons, And The Peace Of Paris, 1814 (London: 1861), p. 10.

³¹ Franklin F. Mendels, 'Proto-Industrialization: The First Phase of the Industrialization Process', *The Journal of Economic History*, Vol. 32, No. 1 (1972), 241-61.

³² *Ibid*, 245-53.

³³ D.C. Coleman, 'Proto-Industrialization: A Concept Too Many', *The Economic History Review*, New Series, Vol. 36, No. 3 (1983), 435-48.

³⁴ Maxine Berg and Pat Hudson, 'Rehabilitating the Industrial Revolution', *The Economic History*, Vol. 45, No. 1 (1992), 24-50 and Maxine Berg and Pat Hudson, 'Growth and Change: A Comment on the Crafts-Harley View of the Industrial Revolution', *The Economic History Review*, Vol. 47, No. 1 (1994), 147-9.

Oxfordshire increased very little throughout much of the nineteenth century. For example in 1831, there were just over one hundred and fifty two thousand inhabitants living in the county. Only about 14,000 of these lived within the Ploughley Hundred.³⁵ Over the course of the next twenty years, Oxfordshire's population increased by less than twenty thousand.³⁶ At the end of our period the county's population remained below one hundred and eighty thousand inhabitants.³⁷ The picture was no less bleak at a local level. We have already seen how villages in the Otmoor area experienced a period of depopulation after the moor was enclosed.³⁸ In all, a total of twenty three parishes in the Ploughley Hundred saw their population numbers decline between 1831 and 1881.³⁹

From the above we can see that industry did not progress very far in Oxfordshire because of a number of factors. Firstly, poor transport networks made it difficult for manufacturing to compete with industrial sectors elsewhere. It also appears that the local population was settled in agriculture and rather ambivalent about committing the capital or time necessary for commercial enterprises to take off successfully. Finally, census figures suggest the indigenous labour force was too small to support industrial development on a grand scale. If migrant workers had been attracted to the region, the situation may have been reversed. However, it is clear that there was little outside of the agrarian economy to persuade them to relocate. The contrast with Kent at the beginning of the nineteenth century is apparent. Not only was the economy more diverse, it also appears to have

³⁵ Details for Oxfordshire taken from: Abstract of Population Returns of Great Britain, 1831, p. 504. [Document number: 36.259-78; PP.]

³⁶ Population Tables, 1851, Part I. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume I. Report, England and Wales, I-VII; Area and Population, Division III", p. clxviii. [Document Number: 57. 616-24; PP.]

³⁷ Census of England and Wales 1881 Volume 1, Area, Houses and Population (Counties), 305-14. [Document number: 89.643-8; PP.]

³⁸ King and Timmins, Making Sense of the Industrial Revolution, 187-99.

³⁹ Figure tabulated from parishes which were included in the Ploughley Hundred in 1831 and 1881. Cited from Population Tables, 1851 (Div III), p. 32. [Document Number: 57. 616-24; PP] and Census of England and Wales 1881 Volume 1, p. 308. [Document number: 89.643-8; PP.]

been closely linked to the landscape. William Hughes noted that the county formed the south-eastern corner of England, with an area of some 1, 627 square miles or 1, 1041, 479 acres. The countryside was distinguished by hills and dales. Hughes observed that some of these rose between 600 and 800 feet.⁴⁰ Geologically, Kent was formed largely from chalk and limestone, although there were some clay deposits in the northern part of the county around the Thames estuary.⁴¹ Clear differences between the economies of Kent and north Oxfordshire can be seen from Hughes' references to agriculture and industry around the Medway towns. He noted:

Kent is principally an agricultural county, excepting along its extensive seaboard, where commercial industry, in connection with maritime pursuits, forms the prevailing characteristic of its industry. The greater part of the county is well wooded. The agricultural produce is various and abundant. Hops are extensively grown in some districts, particularly in the low grounds of Canterbury and Maidstone. Orchards are numerous, and cherries are an especial object of culture. The wheat and other grains are of the best description.⁴²

From these remarks it easy to gain the impression that Kent's economy was buoyant and that the labouring poor in the Medway basin were seldom affected by privation. In order to test this theory we need to look in some detail at how society and trade in the region was ordered at the turn of the nineteenth century. Much of the economy of the Medway basin was determined by the river from which the area derived its name. The Medway which separates Strood from Rochester originates at Crowhurst in Surrey. From there it weaves its way through Tunbridge and Maidstone before

⁴⁰ William Hughes, The Geography of British History (London: 1863), p.399.

⁴¹ Ibid, 399-400.

⁴² Ibid, p. 401.

travelling another eighteen miles to Chatham and Rochester.⁴³ The 1799 edition of Thomas Fisher's Kentish Traveller's Companion, gives a sense of the activity the river generated at Rochester. Fisher noted:

Colliers of the largest burthen are brought up the wharf adjoining the bridge; and in the middle of the river, at the turn of the next reach, men of war are moored when the harbour is full of ships in ordinary. From Rochester it proceeds about twenty four miles, growing deeper and wider as it advances; and passing Chatham-yard, Upnor-caster, Gillingham fort, and Sheerness-garrison, it meets the Thames.⁴⁴

A tripartite of towns, Rochester, Chatham and Maidstone were the major urban centres at the heart of the Medway economy at this time. The cathedral city of Rochester dates back to the time of the Roman invasion.⁴⁵ In 1796, the political activist John Gale Jones visited the region on behalf of the *London Corresponding Society*. The records he kept provide us with an enduring account of character of the towns in the region at the turn of the nineteenth century. Clearly, Gale was surprised by Rochester's modest size and lack of respectability. He noted that it was made up of just one main street and was joined almost imperceptibly to its neighbour, Chatham. In comparing the two towns, Gale thought Chatham was 'extremely dirty, and much occupied by soldiers'.⁴⁶ When he visited the area, Rochester had no lighting and the streets were still unpaved.⁴⁷ However,

⁴³ Thomas Fisher, The Kentish Traveller's Companion (Canterbury: 1799), p. 135.

⁴⁴ Ibid, p. 136.

⁴⁵ William Page (ed.), The Victoria History of the County of Kent Volume III (London: St. Catherine Press, 1932), 81-8.

⁴⁶ John Gale Jones Sketch of a Political Tour Through Rochester, Chatham, Maidstone, Gravesend, &C (London: 1796), p. 23.

⁴⁷ Ibid.

within three years improvements were under way after an act was passed. This allowed for the streets of Strood and Rochester to be lit, paved, cleaned and watched.⁴⁸

Although Strood and Rochester depended heavily on oyster grounds for their survival, it seems likely that many of the inhabitants of the towns derived their livelihoods from a variety of sources. There are a number of arguments to support this suggestion. Firstly, the work of an oyster fisherman was seasonal in nature. The season on the Medway usually ran from the beginning of November until the end of March.⁴⁹ Derek Coombe provided a good insight into the transitory nature of the work. He noted:

For the fisherman, as for most others, the turn of the seasons brought into play a range of separate skills and techniques for earning their living, although much would depend upon whether the family concerned aspired to ownership of a bawley, or whether it was a matter of using a double or even a small skiff that was their only boat. Indeed some men managed all their lives to wed and raise a family with the versatile use of a small open boat, but in such circumstances they had to be prepared to find casual work ashore when fishing was slack, very often fruit and hop-picking or labouring in the nearby chalk quarries.⁵⁰

It is also clear that legislation regulated the number of men who were able to fish for the molluscs. Men usually had to serve a seven year apprenticeship and the local fishery imposed fines on those

⁴⁸ An Act for Paving, Cleansing, Lighting, and Watching the High Streets and Lanes in the Parish of St. Nicolas, Within the City of Rochester and the Parish of Strood, in the County of Kent and for Making a Road Through Star-Lane, ...to Chatham Hill, in the Said county (Rochester: 1799).

⁴⁹ Page (ed.), The Victoria History of the County of Kent Volume III, 432-3.

⁵⁰ Derek Coombe Fishermen From the Kentish Shore (Rainham: Meresborough Books, 1989), p. 43.

who did not hold licences.⁵¹ By the middle of the nineteenth century, about five hundred men were employed as dredgers and numerous others were occupied in ancillary trades like transporting the catch to London or exporting it to the continent.⁵²

It is apparent from the above observations that a considerable number of people in the region depended on the oyster trade for their livelihoods. It is also evident that many of these individuals would have found it necessary to secure employment outside of the trade because the seasonal nature of the work and the restrictions imposed by legislation. Clearly, there is a case for this thesis to examine how the residents of Strood and Rochester coped with the uncertainties associated with trade cycles and to see whether some were forced to rely on criminality when their households were faced with periods of economic hardship.

Within walking distance of both Strood and Rochester is the town of Chatham. It is steeped in maritime and military history and famous for being the birthplace of Nelson's *H.M.S Victory*. Chatham's legacy as a naval base dates back to at least to the middle of the sixteenth century, when the River Medway's protected situation and proximity to the open sea and capital, made it an ideal place to moor large warships. During the wars with the Spanish and Dutch in the sixteenth and seventeenth centuries, Chatham rose in prominence and was increasingly used for fitting out and repairing damaged ships of the Royal Fleet. However, by the end of the eighteenth century, the Medway began to experience problems with silting and as a result Chatham was no longer able to maintain its position among the first rank of dockyards. Instead it was increasingly used as a yard for long-term repairs and shipbuilding.⁵³

⁵¹ Thomas Fisher, The Kentish Traveller's Companion, 34-5.

⁵² Page (ed.), The Victoria History of the County of Kent Volume III, 432-3. For more on the physical demands of oyster fishing see: Derek Coombe, The Bawleymen Fishermen and Dredgers of the River Medway Council (Rainham: Pennant Books, 1979), 42-4.

⁵³ Phillip MacDougall, Royal Dockyards (Dyfed: Shire Album 231, 1989), *passim*.

In spite of this downgrade, the dockyard continued to require a relatively skilled workforce. The scale of operations in the eighteenth century can be seen from the following observations made by Daniel Defoe. He noted:

The warehouses, or rather streets of warehouses and storehouses for laying up the naval treasures, are the largest in dimension, and the most in number, that are anywhere to be seen in the world. The rope-walks for making cables, and the forges for anchors and other iron work, bear a proportion to the rest; as also the wet dock, canals, and ditches, for keeping masts and yards of the greatest size, where they lie sunk in the water to preserve them: The boat-yard, rope-yards, the anchor-yard, forges, foundries, all are not easy to be describe.⁵⁴

Around the time of Defoe's visit, the dockyard occupied 61 acres, the ropey alone, was a quarter of a mile long. The yard continued to be altered and extended during and after the Napoleonic Wars. Offices were built for the principal officers; steam sawmills were introduced into the north eastern side of the dockyard between 1810 and 1813; by 1830, the smithery had 40 forges capable of producing anchors weighing up to five tons and all of the iron work necessary for fitting out ships.⁵⁵ However, with the ending of hostilities with France, the navy also saw the need to economise its

⁵⁴ Daniel Defoe, A Tour Through the Whole Island of Great Britain: Divided into Circuits or Journies. Containing a Description of the Principal Cities and Towns: Originally Begun by the Celebrated Daniel De Foe, Continued by the Late Mr. Richardson (London: 1769), p. 145.

⁵⁵ Preston, Industrial Medway, 18-20.

operations. In March of 1816, 300 mechanics were dismissed from the Portsmouth yard. In July of 1834, the number of workmen employed at Chatham was reduced from 1,150 to 1,000.⁵⁶

Adjacent to the dockyard are the *Chatham Lines*, a series of fortifications built in the middle of the eighteenth century, to protect the yard from landward attacks. In 1812, the *Royal School of Military Engineering* was founded at Chatham. After the war with France, the military engineers continued to use the Lines for manoeuvres and siege practice.⁵⁷ Clearly, the military and naval installations helped to swell the local population. Evidence to support this claim can be seen from how the eighteen and a half thousand inhabitants who lived in Rochester, Chatham and Strood at the beginning of the nineteenth century had increased by over ten thousand in 1831.⁵⁸

It is apparent that the naval and military bases had a significant impact on the social and economic order of the towns in the region. Anecdotal evidence to this effect is provided by Charles Dickens in The Pickwick Papers. Dickens described the inhabitants of Rochester and the adjoining towns gathering at an early hour in 'the utmost bustle and excitement' to witness half-a dozen regiments engage in a mock siege.⁵⁹ Although this entertaining account is fictional, it is clear from the work of Kendall that the local townsfolk regularly attended such spectacles throughout the nineteenth century.⁶⁰

The installations also encouraged social divides within the major towns in the area. This was partly because the different trades tended to gather in particular districts, but also because Rochester with its connections to the Church was seen as more genteel than either Chatham or

⁵⁶ J.D. Crawshaw, The History of Chatham Dockyard Volume I (Newcastle upon Tyne: Isobel Garford, 1999), p. 3 and 61-7. [Document number: NAVAL Coll Chat Dock. CRA; Medway and Local Studies Centre, Strood.]

⁵⁷ Peter Kendall, Defending the Dockyard The Story of the Chatham Lines (March 2005), *passim*. [Chatham Dockyard Preservation Museum.] Also see: J.M. Preston, Industrial Medway, p. 21.

⁵⁸ Preston, Industrial Medway, p. 24.

⁵⁹ Charles Dickens, The Pickwick Papers (London: Penguin Books, 1986), 116-28.

⁶⁰ Kendall, Defending the Dockyard, *passim*.

Strood.⁶¹ Similarly, the fabric of life in the fishing and agricultural villages in the region varied greatly from busy urban centres like Chatham. With the exception of the Medway towns, nine of the thirteen parishes in the region still had less than one thousand inhabitants in 1851.⁶²

The town of Maidstone, the other major urban centre in the region, is situated near the middle of the county, some ten miles to the south of Chatham and approximately forty miles from both London and Dover.⁶³ William Newton's description of the town in the first half of the eighteenth century suggests it was already a place of some significance.⁶⁴ He noted:

there are four principal streets of great length, which meet and intersect each other at the cross besides many lesser ones. It spreads itself to a very considerable extent every way, partly on a hill, and partly on a valley, and is very populous; being said to contain 6000 inhabitants. On account of its situation and entertaining great numbers of people, it has generally been reputed the fittest place for public meeting of the county; and upon that account, it has been called the County-Town, or Shire-Town of Kent.⁶⁵

⁶¹ For a more thorough description of the social and economic character of individual districts in the Medway region see: Preston, Industrial Medway, p 25 and Brian Joyce, The Chatham Scandal A History of Medway's Prostitution in the Late 19th century (Rochester: Bazaar Books/Bruce Aubry, 1999), *passim*.

⁶² Joyce, The Chatham Scandal, 24-5.

⁶³ William Newton, The History and Antiquities of Maidstone, The County Town of Kent (London: 1741), 5-7.

⁶⁴ Fisher, The Kentish Traveller's Companion, p.1.

⁶⁵ *Ibid*, p. 7.

Maidstone's importance as an administrative centre is reflected not only by the fact that the Quarter Sessions were held in the town, but also from the amount of money which was spent on the new County Gaol. By the time it opened its doors in 1818, it had cost the authorities £169,742 to build and fit out. Over the next few years this figure continued to rise. By 1825 a further £46,257 had been spent on the administration of the gaol.⁶⁶

Census figures for the beginning of the nineteenth century suggest Maidstone continued to grow rapidly after Newton's visit. In 1801 there were more than sixteen thousand people living within its borough. By 1831, this figure had increased nearly twofold to over thirty one thousand inhabitants.⁶⁷ During the first half of the eighteenth century, Maidstone's economy was based principally around cultivating hops and producing linen thread. However, there is evidence to suggest other industries were beginning to gain a footing in the town. Newton noted:

There are besides on the river very large corn-mills, which grind for the dock and navy at Chatham, and in a good measure furnish the City of Rochester and Town of Chatham, with meal and flower, besides great quantities, which are sent from hence to London. Here are also several large paper-mills, and Fulling-mills...London is likewise supplied with Corn, Fruit, Paving-stone, which is exceeding durable, Fullers-Earth, and a fine white sand for the glass-houses, which is reckoned the best in England for melting into Flint-glass and Looking-glass plates.⁶⁸

⁶⁶ Elizabeth Melling, County Administration in Kent, 1814-1914, in Frederick Lansberry, (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 258-9.

⁶⁷ Page (ed.), The Victoria History of the Counties of England (London: St, Catherine Press, 1932), p. 370.

⁶⁸ Newton, The History and Antiquities of Maidstone, p. 103.

It is clear from these remarks, that a wide variety of industries had established a presence in the Medway Valley by the beginning of the nineteenth century. As a result, a great deal of urbanisation had taken place in the region. In contrast, the economy of north Oxfordshire was dominated by agriculture and the district retained a rural character. It has already been argued that this was because manufacturing industries had failed to establish a footing in the county. This suggestion is further supported by census data. This shows that the occupations of those living in thirty eight parishes of the Ploughley Hundred in 1831 were by and large connected to the land.⁶⁹ Much the same could also be said of the nearby hundred of Banbury, where agriculture and handicrafts employed a large proportion of labouring households.⁷⁰

The largest urban area in the Ploughley Hundred was the town of Bicester. In 1816 Dunkin described it as 'a considerable market town'.⁷¹ It is situated in the north eastern part of the county, about thirteen miles from Oxford and a similar distance to the south of Banbury, the only other notable town of size in the immediate area.⁷² The boundaries of the hundred of Ploughley were mostly natural, with the river Cherwell marking the district's western limits.⁷³ At the turn of the nineteenth century, the population of Bicester numbered fewer than two thousand, but over the next ten years it increased by nearly ten per cent.⁷⁴ However, sometime during the next decade the town

⁶⁹ Abstract of Population Returns of Great Britain, 1831, p. 498. [Document number: 36.259-78; PP.]

⁷⁰ *Ibid*, 490-1.

⁷¹ Dunkin, The History and Antiquities of Bicester, p. 1.

⁷² William Potts and Edward T. Clark, A History of Banbury: The Story of the Development of a Country Town (Banbury: Gulliver Press, 1978), *passim*.

⁷³ Lobel and Dannatt, Bicester: Victoria County History, p. 1.

⁷⁴ *Ibid*, p. 44.

appears to have experienced a period of economic stagnation, reflected in the way its population increased by only about one hundred inhabitants.⁷⁵

Although Bicester was a modest town in comparison to those situated in the Medway basin, the town's Market End and King's-end were the most significant of the 33 parishes of the Ploughley Hundred. Of the 14,000 inhabitants living in this district in 1831, some 2,588 resided in the locality of Bicester.⁷⁶ Earlier we saw how the different classes established social divisions in the Medway basin by settling in different towns or districts.⁷⁷ It seems that a similar situation occurred in Bicester. The poor were crowded into two parts of the town known as *Crockwell* and *New Buildings*. In the first decades of the nineteenth century, the owners of the cottages in Crockwell attempted to increase the value of their properties, by subdividing the old buildings and increasing rents. Dunkin noted that this rendered them 'small and inconvenient...so that at present there are cottages, without a foot of ground attached, and at most consisting of two or three rooms'.⁷⁸

Clearly, these districts were unpleasant places. In 1831, the Sanitary Committee was moved to remark that the quarters inhabited by the poor were in 'a very unsatisfactory state'.⁷⁹ There is also evidence to suggest that these conditions contributed to social unrest in the area. In 1826 the Town Hall and Shambles were destroyed by rioters. Four years later, cholera had a catastrophic effect on the town's trade.⁸⁰ Some indication of the severity of the outbreak can be seen from remarks made by C.S. Stewart. In a letter written on the 7th July 1832, he noted that he had been

⁷⁵ The population of the town stood at to 2,273 in 1821. Figures cited from: Abstract of Answers and Returns Under Act for Taking Account of Population of Great Britain (Enumeration Abstract; Parish Register Abstract), 1821. [Microfilm number: 24.111-8; Session 1822; PP.]

⁷⁶ Abstract of Population Returns of Great Britain, 1831. [Document number: 36.259-78; PP.]

⁷⁷ J.M. Preston, Industrial Medway, p 25 and Brian Joyce, The Chatham Scandal, *passim*.

⁷⁸ Dunkin, The History and Antiquities of Bicester, p. 17.

⁷⁹ Lobel and Dannatt, Victoria County History: County of Oxford Volume VI, p. 39.

⁸⁰ *Ibid*, p. 19.

forced to take a detour of Bicester because cholera was 'raging in the town with great malignity'.⁸¹ His alarm seems genuine enough when we consider that there were seven deaths within a few hours of his arrival in the area.⁸² The final death toll of sixty four, made the cholera outbreak in Bicester, the most severe in proportion to population, of any town in Britain.⁸³ After the outbreak some of the principal streets were extended and a few new buildings were erected. However, it is clear that the authorities made little effort to drastically change the character of the town. For example, it was not until the 1860s that streets were paved and 'cleared of filth'.⁸⁴

It is also evident that the problem of poverty in the town escalated after the Napoleonic Wars. Sometime during the eighteenth century a workhouse was erected in Bicester. This was described by Dunkin as a 'substantial building' in spite of it only having room for 40 paupers.⁸⁵ Clearly, only a small number of the local population would have been able to enter the workhouse. It is apparent therefore that most of the residents in the Ploughley Hundred received outdoor relief. This argument is supported in a number of ways. Firstly, at the time of the cholera outbreak, the Bicester vestry were spending more than ten times what they had in 1776. Moreover, about a fifth of Bicester residents received some kind of assistance at a cost of £3,752 a year to the authorities.⁸⁶ The situation improved after the passing of the New Poor Law, when the guardians of the newly formed Bicester Union agreed that a new workhouse should be built. For the first time, 350 paupers from the 38 parishes of the union were able to be housed in one place.⁸⁷

It seems the circumstances of the labouring poor living in the Medway towns was no better at this time. As we have already seen, Hobsbawm and Rudé suggested threshing machines were

⁸¹ C.S. Stewart, M.A., Sketches of Society in Great Britain and Ireland (Philadelphia: 1834), p. 219.

⁸² Ibid.

⁸³ Lobel and Dannatt, Victoria County History, p. 39.

⁸⁴ Ibid, p. 19.

⁸⁵ Ibid, p. 27.

⁸⁶ Ibid, p. 40

⁸⁷ Ibid.

largely to blame for Kentish labourers being underemployed in the 1820s and 1830s.⁸⁸ More recently, this argument has been supported by Carl Griffin. He notes that machines concentrated threshing into a few days or weeks and reduced the need for farmers to employ labourers during the winter months. He also suggests that male labourers were displaced because some farmers employed women and children to operate the machines.⁸⁹ Clearly, these practices would have placed considerable pressure on labouring households.

However, it is also apparent that the Medway authorities had been grappling with poverty in the region long before the introduction of farm machinery. For example, at Strood it was proposed that 'a large convenient House be built' to care for the sick, aged, impotent and orphans in 1720.⁹⁰ In the same year, a 'large and handsome building...three stories high, ninety one feet in length, and twenty-one in depth, with a large kitchen' was built by a gentleman at Maidstone. Building work also began on workhouses at Chatham and Rochester after the passing of Knatchbull's Act in 1723.⁹¹ The Act allowed parishes to build workhouses where the poor would be set to work. The intention was that the institutions would instil discipline in the inmates and reduce their dependency on the poor rates.⁹²

Although records suggest the workhouses at Maidstone and Chatham could provide refuge to four hundred paupers, it is clear that institutions in the Medway region did not have the capacity to house more than a small proportion of the local population. It is therefore apparent that many

⁸⁸ Hobsbawm and Rudé, Captain Swing, 74-5.

⁸⁹ Carl Griffin, "'There Was No Law to Punish that Offence' Re-Assessing 'Captain Swing': Rural Luddism and Rebellion in East Kent, 1830-31", Southern History, Volume 22, (2000), p. 136.

⁹⁰ Proposals Made in the Year 1720: To the Parishioners of Strood for Building a Workhouse There, passim.

⁹¹ An Account of the Work-houses in Great Britain, in the Year MDCCXXXII: Shewing Their Original, Number, and the Particular Management of Them at The Above Period. With Many Other Curious and Useful Remarks Upon the State of the Poor (London: 1786), 129-46.

⁹² For more on this see: Simon Fowler, Workhouse: The People: The Places: The Life Behind Doors (Richmond: The National Archives, 2008), 46-7.

labouring households in the region would have been assisted outside of the workhouse during times of distress. In many cases payment would have been linked to work schemes.⁹³ The passing of the New Poor Law in 1834 brought about some administrative changes to the way the workhouses functioned. However, in essence there was little the authorities could do to assist larger numbers of paupers indoors, without increasing the number of paupers the workhouses were able to hold.⁹⁴

As we have seen, a range of industries associated with shipping, fishing and paper manufacturing were established in the Medway basin at the beginning of our period. However, it is clear that most only employed the skilled or semi-skilled. Consequently, the majority of the labouring poor in this densely populated region earned their livings from agriculture and seasonal employment. However, contemporary sources suggest the agrarian labour-market was overcrowded and that many experienced hardship.⁹⁵ This would explain why the authorities in Kent and Oxfordshire struggled to contain the problem of poverty during the first decades of the nineteenth century. However, it is also evident that the experience of the labouring poor in the two areas was very different.

This argument is supported in a number of ways. Firstly, it is evident that many people in the northern districts of Oxfordshire derived considerable financial benefits from the access they

⁹³ For more on the range of schemes that were used to occupy labourers see: S.G. Checkland and E.O.A. Checkland (eds.), The Poor Law Report of 1834 (Middlesex: Pelican Books, 1974).

⁹⁴ For example, the two workhouses at Rochester (St. Margaret's and St. Nicholas') had a combined capacity of 160 inmates, whilst the one at Gillingham could house only 60 individuals. It should be remembered that when the Medway Union came into existence in September 1835 the population living within the precincts of the Union amounted to 33,068. In contrast, the population falling within the Maidstone Union was 28,969 in 1831.

Figures cited from <http://www.workhouses.org.uk/>.

⁹⁵ See for example, Cobbett's observations concerning men repairing roads in Kent because of the lack of farm work and his comments regarding destitution on the Isle of Thanet in southern Kent. George Woodcock, (ed.), William Cobbett, Rural Rides (London: Penguin Group Ltd, 1985), p. 174 and 206.

had to common lands. In contrast, most of Kent had already been divided up by the end of the seventeenth century.⁹⁶ It is argued therefore, that labouring households in this region were more dependent on their occupational earnings. Recent research supports this suggestion.⁹⁷ However, it also highlights some of the problems associated with establishing a link between wage dependency and rural poverty. For example, Yamamoto argues that two kinds of labour markets co-existed. The first was made up of core workers who enjoyed continuous employment throughout the year; whilst the second was composed of casual labour. Casual labourers were contracted during peak times or for fixed periods.⁹⁸ Clearly, the earnings of labourers in the two groups could vary considerably over the course of a year. It is also evident from the work of Gregory Clark that wages could vary significantly between agricultural districts. Clark also argues that earnings in many areas were subsidised with foodstuffs and beer. His study demonstrates how difficult it is for us to determine with any accuracy what labourers earned during the agricultural year.⁹⁹

In spite of these concerns, Clark's study suggests agricultural earnings in both Kent and Oxfordshire increased during the Napoleonic Wars when labour was scarce. However, immediately afterwards they returned quickly to the levels of the early nineteenth century. More remarkable than this, however, is that for each quinquennium, between 1800 and 1830, Kentish labourers earned considerably less than their contemporaries in Oxfordshire. The earnings gap was particularly pronounced during the decade leading up to the start of our period. At this time, labourers in Oxfordshire earned as much 21. 8 pence per day during winter; in comparison, the

⁹⁶ J.R. Wordie, 'The Chronology of English Enclosure, 1500-1914', The Economic History Review, Vol. 36, No.4 (1983), p 489.

⁹⁷ See for example: Paul Carter, 'Enclosure, Waged Labour and the Formation of the Class Consciousness: Rural Middlesex c. 1700-1835', Labour History Review, Vol. 66, No. 3 (2002), 269-93.

⁹⁸ Chiaki Yamamoto, 'Two Labour Markets in Nineteenth-Century English Agriculture: The Trentham Home Farm, Staffordshire', Rural History, Vol. 15, No. 1 (2004), 89-116.

⁹⁹ Gregory Clark, 'Farm Wages and Living Standards in the Industrial Revolution: England 1670-1869', The Economic History Review, New Series, Vol. 54, No. 3 (2001), 477-505.

earnings of Kentish labourers never rose above 19.5 pence.¹⁰⁰ When these figures are converted into weekly earnings, we can see that labourers in Oxfordshire earned on average about 11 shillings a week, whilst those in Kent often survived on less than ten shillings.¹⁰¹

In general terms it is clear from the above observations that the circumstances of labourers living in the Medway towns and northern districts of Oxfordshire differed greatly by 1830. Although both depended heavily on the agrarian labour-market for their livelihoods, it is apparent that earning differentials and the long-term effects of enclosure placed considerably more pressure on households in Kent. A similar line was taken by Hobsbawm and Rudé in the 1970s. They argued that wage dependency and underemployment, especially during the winter months, provided the catalyst for the disturbances which began in the county in 1830.¹⁰²

Oxfordshire and Kent, Circa. 1850

The economic gulf between the two regions continued to widen over the course of the next twenty years. Census figures give some indication of the size of the gap. By 1851, about a hundred and seventy thousand people were living in Oxfordshire. The figures also suggest that the population living within the bounds of the Bicester Union had increased by only about ten per cent since the 1830s.¹⁰³ Growth at a local level had also been slow. By the early 1850s there were just over three thousand people living in Bicester's two parishes, compared to the two thousand six hundred who had lived there twenty years before.¹⁰⁴

¹⁰⁰ Ibid, p. 485.

¹⁰¹ Figures calculated by dividing by 12 (the ratio of pence to shillings) and multiplying by 6.

¹⁰² Hobsbawm and Rudé, Captain Swing, 74-5.

¹⁰³ Population Tables, 1851, Part I. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume I. Report, England and Wales, I-VII; Area and Population, Division III, 1-84.

[Document Number: 57. 616-24; PP.]

¹⁰⁴ Ibid, 1-84.

In contrast, the Medway towns continued to expand steadily. Although ship building had been scaled back at the beginning of the nineteenth century, large numbers of people were still drawn into the area. Census figures show that Chatham in particular had continued to expand. In 1831 there were about sixteen and a half thousand people living in the town. This number increased to nearly twenty two thousand by the mid-century. The nearby town of Gillingham also saw its population grow by nearly fifty per cent between 1821 and 1851.¹⁰⁵ The picture was no less dramatic further south at Maidstone. By 1851, there were nearly forty-four thousand people living in the borough, suggesting the population had increased by more than a third in twenty years.¹⁰⁶

It is argued that the low rate of population growth in north Oxfordshire was symptomatic of wider problems in the county's economy. This argument is supported in a number of ways. Firstly, there is evidence to suggest that poverty was escalating in the region. Although the guardians of the Bicester Union had issued orders for a new workhouse with accommodation for 350 inmates, to be built in the King's-end district of Bicester in 1836, the old workhouse was still being used. Moreover, census information suggests the old institution was operating beyond its intended capacity.¹⁰⁷ In 1841 the Market-end workhouse was assisting 79 paupers and within ten years, this figure had increased by more than twenty five per cent.¹⁰⁸

The problem of poverty seems to have coincided with an increase in the number of parliamentary enclosures that were carried out in the Ploughley district.¹⁰⁹ As we have already seen, the most contentious of these occurred at Otmoor, where around 4,000 acres of land was

¹⁰⁵ Preston, Industrial Medway, p. 24

¹⁰⁶ Page (ed.), The Victoria History of the County of Kent Volume III, p. 370.

¹⁰⁷ The Market-end workhouse was originally supposed to house 40 inmates. For further discussion see: Dunkin, The History and Antiquities of Bicester, p. 16.

¹⁰⁸ Population Tables, 1851, Part I. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume I. Report, England and Wales, I-VII; Area and Population, Division III, p. 33.

[Document Number: 57. 616-24; PP.]

¹⁰⁹ King and Timmins, Making Sense of the Industrial Revolution, p. 189.

completely enclosed in the 1830s.¹¹⁰ In spite of these difficulties, it is apparent that the authorities in Bicester were at last making some efforts to improve the appearance and character of the town. In 1845 gas lighting was introduced and a year later Shillingford's started brewing ales and mineral waters in the town. The presence of eleven bookshops also suggests that the inhabitants were becoming more literate. In 1851, the Oxford to Bletchley railway was completed and in the same year the London Road station opened.¹¹¹ Regardless of these changes, employment prospects in the region did not improve greatly. Although a few artisans continued to produce goods like gloves and blankets.¹¹² Large sections of labouring poor, however, continued to depend on agriculture for their livelihoods.¹¹³

While the middle years of the century saw the agrarian economy of north Oxfordshire stall, industry in the Medway Valley continued to expand. Between 1830 and 1850 a number of improvements and technical advances were made to the dockyard at Chatham. Several of the slips were altered to accommodate the berth of larger vessels and its northern perimeter was extended. In 1827, the yard produced one of the first steam powered ships and within ten years it had its own railway.¹¹⁴ During this period the authorities also reorganised the workforce and made several changes to the way the dockyard was run. For example, day labour was introduced in 1847, along with a system of quality checks.¹¹⁵ These allowed wages to be docked for shoddy work.¹¹⁶ In 1849

¹¹⁰ For a more thorough account of the disturbances see: Hammond and Hammond, The Village Labourer, p. 64 and Reaney, The Class Struggle, *passim*.

¹¹¹ Lobel and Dannatt, Victoria County History, 1-40

¹¹² Hughes, The Geography of British History, p. 302.

¹¹³ This is also evident from the mid-century census which shows farming was still the chief occupation of most living in the district. For more on this see: Lobel and Dannatt, Victoria County History, p. 1-40.

¹¹⁴ Henry Rees, The Medway Towns-Their Settlement, Growth and Economic Development, *passim*. [Document Number: Med 330.94223 REES BX96018933 CO50689777; MALSC.]

¹¹⁵ The term 'day labour' is used to describe short term contracts that employers used to secure casual and often unskilled workers. The earnings of these individuals were calculated on a daily

nearly thirteen hundred men were employed in the yard. Five years later at the beginning of the Crimea War, the number was increased by six hundred.¹¹⁷

Although the skilled workforce employed by the navy at Chatham was relatively small, a number of other industries also began to move into the area, spurred on by the increased demand for building materials from London, Europe and the Americas. Around 1846, John Bazley started to produce *Portland* cement at Swanscombe. In May 1851, the first *Portland Cement Works* opened at Frindsbury on the Medway. It was capable of producing 50 tons of aggregate a week.¹¹⁸ Throughout this period the region's paper industry also grew in size, driven by the demand for books, newspapers and the relaxation of excise and stamp duties in the 1830s and 1840s.¹¹⁹

All this industrial activity, however, was of little consequence to the majority of the labouring poor living in the region. Clearly, the pace of change occurred too slowly to absorb much of the surplus workforce in the Medway area. Evidence that the authorities were struggling to contain the problem can be seen in two ways. Firstly, in 1843 the Medway Board of Guardians considered purchasing land adjacent to the Chatham workhouse, to allow an extension to the existing building. The decision, however, was challenged by the Poor Law Commission who wanted the Union to build a new workhouse. It was not until 1856, that the union yielded to pressure and work started on a new institution with a hospital annexed. The workhouse which took

basis. Rates varied according to the demands of the labour market and the complexity of the work that was performed. For more on this see: D.E. Baines, 'The Labour Supply and the Labour Market 1860-1914', in Roderick Floud and Donald McCloskey, (eds.), The Economic History of Britain Since 1700 Volume 2 (New York: Cambridge University Press, 1981), 164-5.

¹¹⁶ Crawshaw, The History of Chatham Dockyard Volume 1, *passim*. [Document Number: NAVAL Coll. Chat Dock CRA; MALSC.]

¹¹⁷ Rees, The Medway Towns, *passim*.

¹¹⁸ F.G. Willmott, Cement Mud and Muddles A History of the A. P. C. M. Barges (Kent: Frank G. Willmott, 1977), 2-3.

¹¹⁹ Alfred, H. Shorter, Paper Making in the British Isles An Historical and Geographical Study (Newton Abbott: David and Charles, 1971), p. 117.

three years to build was capable of housing 650 inmates. By the time it opened in November 1859, it had cost the authorities the considerable sum of £11,900.¹²⁰ Until the new institution was up and running, the old workhouses at Chatham, Strood and Rochester remained in use. As we have already seen these were only able to house a small proportion of the local population.¹²¹ It is argued therefore, that the Medway Union had no choice but to continue providing outdoor relief to the able-bodied, even though the 1834 Act outlawed the practice. This suggestion is supported by Crowther who notes that:

The number of people receiving relief in money or goods outside the workhouse was never less than twice the number of inmates. In years of distress like the 1840s, the outdoor poor outnumbered workhouse inmates by more than seven to one.¹²²

In 1844, the Poor Law Commission decided to remedy the situation by issuing prohibition orders. These limited relief outside of the workhouse to women in the early stages of widowhood, the sick and infirm. In December of the same year, the Medway and Maidstone Unions received prohibition orders instructing the guardians to ensure that all able-bodied paupers and their dependents were relieved inside the workhouse.¹²³ Clearly this situation offers us an opportunity to examine whether relief practices in the regions under study in this thesis offered any stimulus to criminality among the labouring poor during the 1840s and 1850s.

¹²⁰ <http://www.workhouses.org.uk/>.

¹²¹ Potts and Clark, *A History of Banbury, passim* and <http://www.workhouses.org.uk/>.

¹²² M.A. Crowther, *The Workhouse System 1834-1929: The History of an English Social Institution* (London: Batsford Academic and Educational Ltd, 1981), 6-7.

¹²³. It should be noted that the Bicester Union received a similar order at the same time. Details cited from <http://www.workhouses.org.uk/>

Oxfordshire and Kent, Circa. 1885

The Medway towns and rural districts of north Oxfordshire continued to develop separate identities during the second half of the nineteenth century. At the end of our period, the economy of Oxfordshire remained rooted firmly in agriculture. Census returns show that more than seventeen per cent of those with specified occupations were directly involved in farming in 1881. Numerous others were engaged in associated businesses like grain dealing, animal husbandry and game keeping.¹²⁴ The returns also suggest Oxfordshire's economy was still in trouble. Between 1871 and 1881, the number of residents in the county grew by only 1.2 per cent. In contrast, Kent saw the fourth highest increase of any county at 26.5 per cent.¹²⁵

The slow rate of growth in Oxfordshire was certainly reflected in the parishes which made up the Ploughley Hundred. In January 1878, there were 15,583 people living within the confines of the Bicester Union.¹²⁶ This was a negligible increase over the 1850s figure.¹²⁷ It is argued that these figures indicate little had changed in the region in thirty years. This claim is further supported by the number of paupers who were given help by the union. In 1878, more than four hundred and eighty residents in the Ploughley Hundred were in receipt of some kind of relief compared to the four hundred and fifty who received assistance in 1851.¹²⁸ What these figures do not tell us,

¹²⁴ Census of England and Wales 1881 Volume III, (Ages, Condition as to Marriage, Occupations and Birth Places), 98-105. [Document number: 89.657-62; PP.]

¹²⁵ Census of England and Wales 1881 Volume IV, (General Report), p. 8. [Document number: 89.663-4; PP.]

¹²⁶ Return of Paupers in Receipt of Relief, January 1878; Return of Sum Expended for In-Maintenance and Out Door Relief in England, 1877-78, p. 6. [Document number: 86.464; PP].

¹²⁷ Population Tables, 1851, Part I. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume I. Report, England and Wales, I-VII; Area and Population, Division III, 1-84. [Document Number: 57. 616-24; PP.]

¹²⁸ Return of Number of Paupers in Receipt of Relief, January 1878; Return of Sum Expended for In-Maintenance and Out Door Relief in England, 1877-8, p. 6. [Document number: 86.464; Parliamentary Papers.] Figures for 1851 taken from: Population Tables, 1851, Part I. Number of

however, is whether this was because employment prospects in the region had improved or because the Bicester guardians kept a tighter rein on applicants. The population figures certainly seem to suggest the latter case was true.

There is little doubt that a downturn in the agrarian economy was partly responsible for population numbers declining in north Oxfordshire.¹²⁹ Certainly the effects of the depression were felt by the inhabitants living within the Bicester Union. By 1881, its population had dropped by 1,300.¹³⁰ It would be fair to assume that villages which were most heavily dependent on agriculture would have felt the worst effects of this crisis. This, however, was not the case. Instead, populations also declined in areas where there were a range of employment opportunities. For example, the village of Stratton Audley had a steam powered mill and a quarry. However, these resources did not prevent the village from experiencing a fall in its population in the 1860s.¹³¹ A similar situation occurred at Finmere. The village was situated a few miles to the north of Stratton Audley. Until the middle of the nineteenth century, Finmere had an inn with a brewery, as well as a number of brick makers, blacksmiths, butchers and carpenters. Two coal merchants also settled into the area as the railway progressed northwards. However, Lobel and Dannatt note that during the second half of the nineteenth century the population of the village declined as people moved out of the area.¹³²

In contrast, several towns in the Medway Valley experienced significant population growth during the last years covered by this study. Rochester and Strood in particular, saw their population

Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume I. Report, England and Wales, I-VII; Area and Population, Division III., p. 33. [Document Number: 57. 616-24; PP.]

¹²⁹ For more on the individual villages which were affected by the depression see: Lobel and Dannatt; Victoria County History: County of Oxford, 103-352.

¹³⁰ Comparative Statement of Number of Paupers Relieved, July 1880 and 1881, p. 18. [Document number: 87.690-1; PP.]

¹³¹ Lobel and Dannatt, Victoria County History: County of Oxford, 324-33

¹³² *Ibid*, 116-25.

swell by nearly twenty per cent between 1871 and 1881. Over the same period the number of people living in the borough of Maidstone also increased by nearly 7,000.¹³³ The same, however, cannot be said of the Hundred of Chatham and Gillingham. Between 1871 and 1881, the population of these two towns increased by little more than two per cent.¹³⁴

There are several reasons to explain why these districts did not experience the same level of growth as other towns in the Medway Valley after 1871. Firstly, as we saw earlier the first phase of growth in the Chatham area was largely due to increased activity in the dockyards.¹³⁵ In the 1850s and 1860s, further growth occurred because the shipyard was enlarged and cement and paper manufacturers began to establish a presence in the region.¹³⁶ However, it is argued that by the 1870s a number of districts were becoming overcrowded and were unable to absorb further population growth. It also seems likely that the more affluent classes began to settle in other areas because the rapid expansion had created poor social conditions.¹³⁷ These arguments are supported by Brian Joyce who notes that after the expansion of the dockyards in 1861, the problem of housing in the district of Chatham known as *Old Brompton* became acute. Furthermore, he notes that the area became overcrowded with poor residents and led to an increase in social problems like prostitution, violence and drunkenness.¹³⁸ Clearly, there are opportunities for this thesis to look closely at the link between social conditions and criminality among the labouring poor in both Oxfordshire and Kent.

There is also a substantial amount of evidence to suggest that people were drawn away from Chatham and Gillingham because industry expanded in the Lower Medway Valley during the

¹³³ Page (ed.), The Victoria History of the County of Kent, 360-70.

¹³⁴ *Ibid*, 360-1.

¹³⁵ Preston, Industrial Medway, p. 24.

¹³⁶ Crawshaw, The History of Chatham Dockyard Volume 1, p. 3 and 73 and Shorter, Paper Making in the British Isles, p. 117 and Willmott, Cement Mud and Muddles, 2-3.

¹³⁷ For more on the social divides that existed in Chatham see: Joyce, The Chatham Scandal, 1-46.

¹³⁸ Joyce, The Chatham Scandal, p. 2.

second half of the nineteenth century. For example, before the introduction of the railway and *Portland* cement, less than seven hundred people lived in the village of Snodland. However, between 1851 and 1881 the area was transformed beyond all recognition and the population of the village swelled to over two thousand eight hundred inhabitants.¹³⁹ Remarks made by J. Woolmer give some sense of the scale of the change. He noted; “there are cement works and lime work, with tall chimneys smoking away; and thousands of people in Snodland where there used only to be hundreds”.¹⁴⁰

One would assume that the presence of so much industry had a positive effect on employment prospects in the region. Census records for 1881 certainly seem to suggest that the authorities were at last beginning to make inroads into the problem of poverty. In July of 1881, the Medway Union was providing assistance to only 571 individuals inside of the workhouse, out of a total population of 61,670.¹⁴¹ Those with some form of infirmity made up more than fifty four per cent of the total. A third group representing vagrants and able-bodied children under the age of ten added another twenty six per cent to this figure.¹⁴² It should be remembered, however, that employment was easier to come by during the summer months.¹⁴³ There is also evidence to suggest that the authorities tried to mask how many able-bodied paupers received assistance in the

¹³⁹ Preston, *Industrial Medway*, p. 65.

¹⁴⁰ For a solid account of how the region was transformed by the brick industry see: Ibid and F.G. Willmott, *Bricks and Brickies* (Chatham: Frank G. Willmott, 1972), *passim*.

¹⁴¹ Comparative Statement of Number of Paupers Relieved, July 1880 and 1881, p. 12. [Document number: 87.690-1; PP.]

¹⁴² Ibid.

¹⁴³ Sara Horrell and Jane Humphries, ‘Women’s Labour Force Participation and the Transition to the Male Breadwinner Family, 1790-1865’, *Economic History Review*, Vol. 48, No. I (1995), 89-117.

community, since around thirty six per cent or about five hundred of the total were children under the age of ten.¹⁴⁴ Clearly, this anomaly warrants further investigation in this thesis.

The census figures also seem to suggest that many people in the region found it harder to secure employment during the winter months. When a survey was carried out in January of 1878, a total of 1,677 individuals were receiving assistance from the Union. Over sixty seven per cent of these people were supported outside of the workhouse.¹⁴⁵ The borough of Maidstone presents an almost identical picture. In the first days of July 1881, only twenty able-bodied adults were taken into the workhouse; while ninety five more were supported in the community.¹⁴⁶ However, during the winter of 1878, over nine hundred individuals, or more than seventy per cent of relief recipients were not required to submit to the routine of the workhouse.¹⁴⁷ These figures seem to suggest that welfare provision in the Medway towns was generous. However, it should be remembered that the number of people who actually received assistance from the Union was a small proportion of the population living in the area. It is clear therefore, that this thesis needs to establish the criteria that the Medway authorities used when they dispensed relief to the labouring poor. It is also apparent that a similar investigation should also be carried out for the Bicester Union. This survey will then allow us to see whether there was any connection between relief practices and criminality among the labouring poor in the two areas during the last years covered by this thesis.

¹⁴⁴ Less than two hundred able-bodied male and female paupers were assisted outside of the workhouse on July 1st 1881. Figures cited from: Comparative Statement of Number of Paupers relieved, July 1880 and 1881, p. 13. [Document number: 87.690-1; PP.]

¹⁴⁵ Return of Paupers in Receipt of Relief, January 1878; Return of Sum Expended for In-Maintenance and Out-door Relief in England, 1877-78, p. 4. [Document number: 86.464; PP.]

¹⁴⁶ Comparative Statement of Number of Paupers Relieved, July 1880 and 1881, p. 13. [Document number: 87.690-1; PP.]

¹⁴⁷ Return of Paupers in Receipt of Relief, January 1878, p. 4. [Document number: 86.464; PP.]

Conclusions

It has been the purpose of this chapter to examine the characteristics that defined the economies of the Medway towns and rural districts of north Oxfordshire between 1830 and 1880. It is clear that throughout this period, both regions underwent significant change as a result of growing industrialisation. However, it is also apparent that the labouring poor living in the two places were affected in different ways. For example, at the beginning of our period Kent was almost entirely enclosed. As a result labourers in the county had been totally dependent on their earnings for a long time. In contrast the labouring poor in Oxfordshire did not begin to feel the full effects of enclosure until the middle years of the nineteenth century. In practical terms this area of difference provides us with an opportunity to observe how labouring households adapted over time to the loss of communal lands. At the same time it will also allow us to examine whether the labouring poor gravitated towards criminality, because the process of enclosure had created shortfalls in their household earnings.

It is also apparent that industry in the two regions moved in different directions. Throughout much of the nineteenth century the character of north Oxfordshire remained decidedly rural. Cottage industries were in decline and the towns and villages experienced little in the way of population growth. Attempts to improve Bicester in the 1840s and 1850s were not sufficient to attract migrant workers into the area. In comparison, the Medway towns underwent a rapid transformation as people moved into the region in search of work. All of this migration had an effect on the character and social structure of the towns in the region. Clearly, this contrast presents a number of opportunities. Firstly, it will allow us to study the effect industrial development and trade depressions had on criminality, in two regions that were economically different. More than this, however, it will enable us to explore at close quarters whether particular social environments encouraged certain types of criminal behaviour.

Finally, the survey carried out in this chapter demonstrates how the authorities in both regions struggled with the problem of poverty. The process of enclosure in Oxfordshire certainly had a negative effect on the labouring poor, since there were few employment opportunities outside of agriculture. Similarly, in the Medway towns, many depended on the seasons for their livelihoods. This is reflected in relief figures for the period. They also suggest that industry in Kent did not expand as quickly as the population. Clearly, these difficulties provide us with an opportunity to examine in detail whether there was any link between the way the authorities responded to poverty and levels of crime in the two regions.

Chapter Four:

Legislative Reforms and Protests

The last chapter looked at how the labouring poor were affected by socio-economic change in Kent and Oxfordshire between 1830 and 1885. Several things were clear from this study. Firstly, that the two regions developed very different social and economic identities as the nineteenth century progressed. For instance, the economy of the Medway basin experienced considerable growth that resulted from industrial development. In contrast, the economy of the Ploughley Hundred stagnated over the same period. In both instances, these changes led to widespread under and unemployment and social dislocation. In turn, it was argued that this state of affairs nurtured resentment among the labouring poor. The Hammonds, E.J. Hobsbawm and George Rudé and more recently Shirley Burgoyne Black, have suggested that these conditions contributed to bouts of civil unrest, most notably, the Swing uprisings and enclosure disputes that occurred in Kent and Oxfordshire during the late 1820s and early 1830s.¹ Clearly, their work is relevant to the study that is being carried out in this thesis, because it establishes a connection between socio-economic change and crime. Yet this thesis is not only concerned with the effect that social and economic change had on poor households. In addition, it is also interested in looking at how the strategies that the poor used to

¹ The term 'Swing' originated from name that was used by the signatory of intimidatory letters that were sent to the owners of machines. The term was later used to describe the range of protests that swept the southern part of the country in the early 1830s. In Kent, the letters actually accounted for around 7% of the total number of intimidatory acts that Hobsbawm and Rudé identified in the county between 1st January 1830 and 3rd September 1832. For more on this see: Hobsbawm and Rudé, Captain Swing, 239-50 and 303-58. Also see: J.L. Hammond and Barbara Hammond, The Village Labourer 1760-1832: A Study in the Government of England Before the Reform Bill (London: Longmans, Green And Co, 1920), *passim* and Shirley Burgoyne Black, Swing: The Years 1827-1830 As Reflected in a West Kent Newspaper, *Archaeologia Cantiana*, Volume CVII 1989 (Gloucester: Alan Sutton Publishing, 1990), 89-106.

support their households were affected by legislative reforms. Of course, it would be difficult to examine a wide range of legislative reforms within the confines of a single chapter.

With these thoughts in mind, this chapter has two main aims. Firstly, to take the first tentative steps to see whether the way that legislation was enforced by the authorities in the Ploughley Hundred and the Medway basin had any impact on patterns of criminality in the two regions. Secondly, to look at how the Kentish and Oxfordshire poor responded to reforms that they believed threatened the solvency of their households. To this end, this chapter will focus on how poor households in Kent and Oxfordshire were affected by the New Poor Law. The reasons why this piece of legislation needs to be placed under the spotlight is because it brought about a fundamental change to the way welfare was distributed to the able-poor. For example, Steven King has suggested that the 1834 Act removed essential mechanisms that the able-poor relied on to support their makeshift households.² At the same time, able-bodied paupers were no longer eligible for relief outside of the workhouse. Instead, they had to enter an institution where they were required to submit to a routine of hard labour and strict discipline. The new system was intended to act as a deterrent to all but the most desperate of paupers.³ It is not the aim of this chapter, however, to provide a detailed survey of workhouses and Poor Law Unions; Crowther, Digby and more recently Driver, have already done much to improve this area of research.⁴ Rather, it will investigate how poverty was managed under the New Poor Law in two distinct socio-economic

² Steven King, 'Making the Most of Opportunity: The Economy of Makeshifts in the Early Modern North', in Steven King and Alannah Tomkins (eds.), The Poor in England 1700-1850 (Manchester: Manchester University Press, 2003), p. 243.

³ Simon Fowler, Workhouse: The People: The Places: The Life Behind Doors (Richmond: The National Archives, 2008), p. 19.

⁴ See for instance: Anne Digby, Pauper Palaces (London: Routledge, Kegan Paul Ltd, 1978), *passim* and M.A Crowther, The Workhouse System 1834-1929: The History of an English Social Institution (Georgia: The University of Georgia Press, 1982), *passim*. Also see: Felix Driver, Power and Pauperism: The Workhouse System 1834-1884 (Cambridge: Cambridge University Press, 1993), *passim*.

areas. In the process it will consider whether there was any connection between the administration of the 1834 Act and offences that the labouring poor committed.

To this end, this chapter will be divided into three parts. The first of these will explore how the distribution of relief altered under the terms of the New Poor Law. It will focus on how the Royal Commission compiled its report and discuss how this influenced the introduction of the 1834 New Poor Law. The next section will then examine the implications that these changes had for households in Kent and Oxfordshire. To do this, it will look at how closely the authorities in the two regions followed the directives of The Poor Law Commission. It was noted in the introduction to this thesis that the Poor Law records that have been used for this chapter have been drawn primarily from the Oxfordshire and Kent County Archives. As is often the case, the records that are available are incomplete. For instance, the minute book of the Medway Union provides clear insights into daily business that the guardians dealt with, shortly after the new organisation was formed.⁵ However, no such record exists for the Bicester Union. This makes it difficult to make direct comparisons between individual Union workhouses. It should also be noted that these records were mostly written from the authorities' perspective. Not only does this mean that the entries provide only a partial view of events, they also reveal little about the lives that these individuals led before they asked the poor law authorities for assistance. This of course makes it difficult to establish links between poverty and crime.

To overcome these difficulties, the present survey will not attempt to compare how particular unions in north Kent and Oxfordshire functioned as poor law institutions. Instead, it will draw on samples of records from a range of unions in the two areas. These will be used to build up a picture of the sort of conditions that inmates endured whilst inside workhouses in two diverse regions. Wherever possible, the official records will be augmented with witness accounts and testimonies to draw a fuller picture of life inside these institutions. In doing so, the piece will show

⁵ Medway Poor Law Union Minute Book. [Document number: G/Me/Am1; Medway and Local Studies Centre, Strood.]

whether the administration of the 1834 Act encouraged the poor to step beyond the law in order to survive. The final part of this chapter will then build upon the groundwork that has been laid by the likes of Black, the Hammonds, E.J. Hobsbawm and George Rudé insomuch as it will consider whether the protests that occurred in Kent and Oxfordshire during the first half of the nineteenth century should be included in the range of criminal mechanisms that the labouring poor used to mitigate the worst effects of legislative reforms. Such an undertaking is essential if this thesis is to show whether the poor were passive bystanders when faced with socio-economic change, or whether they were prepared to face criminal sanctions if there was a change that they could preserve their household economies.

The New Poor Law 1834

In February of 1832, a Poor Law Inquiry Commission was appointed to examine the whole system of poor relief. Instead of calling witnesses, the board of nine commissioners appointed twenty six assistant commissioners to carry out investigations on their behalf.⁶ The report that they produced was based on testimonies submitted by parish officials. The Webbs note that its intention was to detail 'under sixty-two comprehensive headings accounts of what the Poor Law administration actually was, and what were the results that it produced'.⁷ The inquiry lasted for two years and the returns gathered, amounted to over thirteen-thousand printed pages. These were bound in twenty-six folio volumes.⁸ The Checklands have suggested that the Commission's report can be criticised on two counts. They note that the:

⁶ For more bibliographical details on individual commissioners see: Sidney and Beatrice Webb, English Poor Law History: Part II: The Last Hundred Years, Vol. I. (London: Longmans, Green and Co, 1929), 48-53.

⁷ Ibid, p. 53.

⁸ Ibid, p. 54.

Report of 1834 and the act based upon it have inspired heated and sustained criticism.

These have been of two kinds; charges of heartless coercion and of unscientific procedures'.⁹

Space limitations make it impossible to consider the political dimensions of the first part of this argument in any detail.¹⁰ However, it is clear from the above remarks that there were flaws in the way that the information was harvested and the methods that were used to compile the final report. The Webbs explain that the 'prodigious mass of material, which poured in during the autumn of 1832, was arranged by Nassau Senior, who had from the first taken the lead as the chief worker of the Commission, in conjunction with Edwin Chadwick'.¹¹ It is difficult to accept that Chadwick and Senior could have digested all of this information without some bias.¹² Moreover the Webbs argued that the 'the cabinet was in a hurry for results; and accordingly the Assistant Commissioners were asked to pick out of their material the most instructive and the most telling examples of malpractices and evil consequences'.¹³ This would suggest that from the start, the Commission was intent on highlighting the failings of the Old Poor Law rather than appreciating any benefits that were attached to it. The Checklands support this argument noting that 'there can be no doubt that the Commission in their fact gathering were looking for bad practice rather than good'.¹⁴

⁹ S.G. Checkland and E.O.A. Checkland (eds.), The Poor Law Report of 1834 (Middlesex: Penguin Books Ltd, 1974), p. 39.

¹⁰ For more on the Poor Law as an institution see: David Ashforth, 'The Urban Poor', in Derek Fraser (ed.), The Poor Law in the Nineteenth Century (London: Macmillan Press, 1976), especially 111-27.

¹¹ Webb and Webb, English Poor Law History, p. 54.

¹² In a footnote the Webbs detail how fifty years after the report was published Chadwick recognised Senior for only contributing "some assistance in minor detail", see: Ibid, 56-7.

¹³ Ibid, p. 54.

¹⁴ Checkland and Checkland (eds.), The Poor Law Report, p. 40.

Criticism can also be directed at how the questions were framed in the parish questionnaires. The Commission admitted in their Statement of Proceedings that 'considerable alterations were made in the rural questions after the earlier answers received by us showed that some of the questions were imperfectly understood, or that additional inquiries might be usefully made'.¹⁵ This statement draws attention to two issues: firstly, that the Commission was looking for a particular type of response. Secondly, that the amendments made to the questionnaires did not eliminate the possibility that the final returns could be interpreted in different ways. In both instances, the line of questioning seemed to elicit an anecdotal type of response.¹⁶

Concerns can also be directed at the sample size that was used to compile the Commission's report. In 1832 the Assistant Commissioners spent little more than four months visiting 3,000 parishes and townships situated mostly in the south of England and Wales out of a total of about 15,000.¹⁷ Karel Williams argues that 'statistics yield little information when they are disconnected from the other available statistics'.¹⁸ Clearly, the Commission anticipated such criticism. In the introduction to their report they tried to excuse the fact that they had not visited South Wales. By way of an apology they noted that the two Assistant Commissioners who were appointed were 'subsequently prevented from acting'.¹⁹ Even so, there can be little doubt that this relatively small sample would have made it difficult for the Commission to offer an objective appraisal of how the poverty was characterised by region, or to appreciate how welfare provision reflected local conditions. Moreover, it is difficult to gauge what impact that the above omissions had on the outcome of the final report. A similar point was made by the Checklands who observed: 'had the

¹⁵ Ibid, p. 67.

¹⁶ Ibid.

¹⁷ Checkland and Checkland (eds.), The Poor Law Report, 29-39 and Mark Blaug, 'The Poor Law Report Reexamined', The Journal of Economic History, Vol. 24. No. 2 (1964), p.234.

¹⁸ Karel Williams, From Pauperism to Poverty (London: Routledge and Kegan Paul Ltd, 1981), p.35.

¹⁹ Checkland and Checkland (eds.), The Poor Law Report, p. 68.

Assistant Commissioners chosen different parishes, those less ‘interesting’ in terms of what they were looking for, would the flavour of the Report have been different? What of the other four fifths of the parishes that did not bother to reply?’²⁰

The findings of The Royal Commission were eventually distilled into one hundred and fifty pages of recommendations. These were effectively endorsed when the Amendment Act was introduced in August of 1834.²¹ For the first time, the Poor Law was to be organised on a national basis: parishes were reorganised into Poor Law Unions and elected guardians and paid officials were to appointed to oversee the running of workhouses. Driver argues that:

one of the most visible consequences of the 1834 reform was a transformation of local government. The parish or township, so central to the workings of the old system, was to be replaced by the Union as the fundamental unit of Poor Law administration. Although the parish was retained as the unit of settlement and chargeability, financial control over the rates passed from local overseer to the Guardians of the Union.²²

The Commission argued that a central board should be set up to administer and regulate the running of all workhouses. In what later became known as *the workhouse test*, the Act stressed that the situation of able-bodied paupers receiving relief inside the workhouses should be made inferior to the poorest able bodied workers living in the community. It was thought that such a measure would

²⁰ Ibid, p. 40.

²¹ Felix Driver, Power and the Pauperism: The Workhouse System, 1834-1884 (Cambridge: Cambridge University Press, 1993), p. 37.

²² Ibid.

help to check the number of paupers who asked for relief.²³ To do this, workhouse officials were encouraged to oversee a regime that offered few social amenities and required inmates to submit to a routine of hard labour and strict discipline.²⁴ The changes, however, also had far reaching consequences for the dependents of the able-bodied, a point that was not lost on the Webbs. They observed:

the labourer's obligation and requirements...normally included the maintenance of a wife and young children. Thus the Commissioners felt logically compelled to take the family as the unit, and to exclude from Outdoor Relief the wives and young children of the able-bodied men, even if sick or infirm, whereas they did not recommend the same course with regard to orphans and sick or infirm persons generally, or even to the infirm aged and the widows burdened with offspring.²⁵

The introduction to this thesis considered how household or family incomes generated from different sources could be defined by the economy of makeshifts. It is clear from the above observations, that the 1834 Act withdrew customary forms of assistance from paupers. In doing so, it took away a strand of income that many poor households relied on to support their regular earnings.²⁶ Moreover, it is evident that the new piece of legislation provided unions with little

²³ For more on the *workhouse test* and the rules and regulations that were imposed on paupers see: 'workhouse life' <http://users.ox.ac.uk/~peter/workhouse/index.html> and Steven King, Poverty and Welfare in England, 1700-1850: A Regional Perspective (Manchester: Manchester University Press, 2000), 27-9.

²⁴ Ibid.

²⁵ Webb and Webb, English Poor Law History, p. 63.

²⁶ For more on this see: Alannah Tomkins and Steven King, 'Introduction', in King and Tomkins (eds.), The Poor in England, 15-6.

scope to deal with exceptional circumstances, say for instance if the earnings of an able-bodied family were disrupted by sickness or mortality.²⁷ Steven King and Alannah Tomkins have identified another way that the New Poor Law departed from traditional welfare practices. Whilst discussing makeshift and relief patterns in the North West of England, they noted that vestries often supported work related activities. To support this claim they observed:

overseers frequently paid for items to support work, rather than simply doling out relief. This included expenditure on things like coal for blacksmiths, looms, potatoes for seeding and cloth for selling. In terms of overall poor law budgets, these sorts of expenditure were usually small but the effect may have been disproportionate.²⁸

Again, it is clear from these remarks, that the poor were forced to fall back on their own resources when assistance of this sort was restricted or no longer forthcoming. The second half of this chapter and later parts of this thesis will consider in more detail whether the loss of these different mechanisms encouraged the poor to turn to criminal activity in order to survive. So that we might gain a clearer insight into how the labouring population in Kent and Oxfordshire were affected by these changes, the next section will look at how closely the authorities in the two regions followed the terms of the 1834 Act.

²⁷ Webb and Webb, English Poor Law History, p. 63

²⁸ King, 'Making the Most of Opportunity: The Economy of Makeshifts in the Early Modern North', in King and Tomkins (eds.), The Poor in England, p. 243.

The Poor Law Unions

The Poor Law Commissioners insisted that workhouses were staffed by salaried officers.²⁹ However, it is apparent that the guardians who oversaw the running of these institutions were drawn from the same body of men who had been responsible for the administration of the Old Poor Law. Crowther points out that the guardians who were in charge of nineteenth century workhouses were not professional administrators, but rather 'shopkeepers, landed magnates, coalmine owners or industrialists'.³⁰ Michael Rose argues that the unpopularity of office often meant that there was little competition when individuals decided to accept a position with a union. He notes that 'such men earned the contempt of contemporaries and later historians as being self-interested to the point of corruption'.³¹ Moreover he argues that such conduct 'was inevitable when men of limited education and with all too little time to spare from their own concerns were called upon to perform an unpleasant and often difficult public duty'.³² Later in this chapter we will look at whether the status of workhouse officials had any repercussions for the levels of care that inmates received from unions in Kent and Oxfordshire. In turn, this study will demonstrate how the administration of welfare institutions may have contributed to criminality among the labouring poor in the two regions.

For the moment, it is clear that tensions sometimes arose from the way that the 1834 Act was implemented. For instance, Derek Fraser notes that 'poor law policy was frequently controversial and was therefore a potential source of political conflict'.³³ It should be noted that

²⁹ For more on the duties that workhouse officials performed see: M.A. Crowther, The Workhouse System 1834-1929 The History of an English Social Institution (London: Batsford Academic and Educational Ltd, 1981), 113-34.

³⁰ Ibid, p. 6.

³¹ Michael E. Rose, The English Poor Law 1780-1930 (Newton Abbot: David and Charles, 1971), p.136.

³² Ibid, p. 36.

³³ Ashforth, 'The Urban Poor', in Fraser (ed.), The Poor Law, p.111.

Fraser's study is mostly concerned with local conflicts within unions located in Yorkshire and Lancashire. Even so, there are many similarities between his study and the problems that the Medway Union experienced in its communications with the central authorities. When considered together, both help to explain why many individuals were reluctant to accept positions within poor law institutions.³⁴ The Medway Union was formally established in September 1835. It represented seven parishes and there are signs that early on, the board wanted to run a well regulated workhouse.³⁵ For instance, a formal investiture was arranged for the 8th September. At this event, eighteen guardians, two relieving officers and a full-time clerk were appointed in the presence of Alderman Robert Clements who was the Mayor of Rochester. Sixteen members of the board attended a meeting a week later on Monday 14th September. At this meeting the board discussed how they could raise £3,000 to cover the cost of erecting a new workhouse.³⁶

However, it is clear that some of the board started to lose interest in the day to day affairs of new union soon after. Over a week lapsed before eleven guardians met again on the 25th of

³⁴ The Chatham workhouse located at the east end of the High Street was founded in 1725 using voluntary donations from local businessmen. It was placed under the management of the local Board of Guardians by an Act of Parliament in 1802. The Local Board lost control of the workhouse to Medway Union Board of Guardians under the Poor Law Reform Act in 1835. From 1835, the old Chatham workhouse served as the Union Workhouse for the Medway Union although St Nicholas Workhouse in Rochester was also used as an ancillary. The New Union Workhouse was built at Magpie Hall Road in 1855. The High Street premises were eventually disposed of. The new workhouse was augmented by an infirmary in 1885. This eventually became the Medway hospital in 1928. Details taken from the introduction of the Strood archive catalogue for the Medway, Strood and Hoo Poor Law Unions and <http://users.ox.ac.uk/~peter/workhouse/index.html>.

³⁵ The Medway Union was made up of the following parishes: Chatham, Gillingham, Grange, Lidsing, Rochester Cathedral Precincts, Rochester St Margaret's and Rochester St Nicholas. The population falling within the Union at the 1831 census was 33, 068, with parishes ranging in size from Lidsing (population 51), to Chatham (17,936). The average annual Poor Rate expenditure for the period 1833-5 had been £12,646 or 7s.7d. per head of the population. Figure taken from <http://users.ox.ac.uk/~peter/workhouse/index.html>.

³⁶ Medway Poor Law Union Minute Book. [Document number: G/Me/Am1; MLSC.]

September.³⁷ Rose has noted that it was not uncommon for guardians to attend meetings infrequently when they had more pressing outside interests.³⁸ At this meeting a vacancy was identified for a medical officer. The guardians stipulated that the successful candidate would be required 'to attend duly and punctually upon all paupers falling sick, or requiring surgical aid within the union...and to supply such sick persons...with all necessary medicines and applications whatsoever'.³⁹ It was agreed that the successful candidate should be paid an annual salary of £120. Shortly afterwards, the Union received six applications.⁴⁰ Again, this might suggest that the board intended to provide workhouse inmates with a professional and compassionate level of care. Yet, Crowther notes that 'The Poor Law Commission regarded medical officers as a necessary nuisance'.⁴¹ She explains further that:

the workhouse doctor had to accept an underpaid Poor Law post because his private practice did not support him adequately, or because he wished to keep other doctors out of his territory. A workhouse doctor did not expect his work to increase his prestige, rather the reverse'.⁴²

In light of these remarks, there is no guarantee that the Medway Union went out of its way to provide a high level of care to pauper inmates by appointing a medical officer. Instead, it is just as likely that the guardians were simply fulfilling their obligations under the terms of the New Poor Law. This idea is further reinforced by the fact that guardians often failed to attend meetings. One

³⁷ Ibid.

³⁸ Rose, The English Poor Law, p. 136.

³⁹ Medway Poor Law Union Minute Book. [Document number: G/Me/Am 1: MLSC.]

⁴⁰ Ibid.

⁴¹ Crowther, The Workhouse System, p. 156.

⁴² Ibid, p. 157.

must of course question whether these individuals managed to keep up to speed with union business, or whether they would have noticed if standards started to slip in their institution. As we shall see shortly, abuses were common in institutions where the board exercised little control over the workhouse staff. Moreover, it is apparent that the poor did all that they could to avoid institutions that had an unsavoury reputation.⁴³ Again, this raises questions about how these individuals supported themselves if they required assistance from the poor law authorities, but were unwilling to enter the workhouse? Later chapters will consider in more detail whether the some sections of the labouring population were inclined towards criminality because of how unions in Kent and Oxfordshire administered their affairs. For the present, it is apparent from further correspondence that passed between the Medway Union and the central authorities that all was not well with this particular institution. On the 26th October, the Medway guardians received a letter from solicitors representing two workhouses in the Union requesting an interview with the board, 'to discuss 'certain matters of difficulty arising out of the Poor Law Amendment Act and the proceedings of this board'.⁴⁴

The matter concerned the appointment of rate collectors for the Union.⁴⁵ On the 2nd November seven guardians met to discuss the Poor Law Commissioner's directive to appoint 'a fit and proper person to be collector of the rates for the relief of the poor of the several parishes...at a salary not exceeding One hundred and sixty pounds per annum'.⁴⁶ The Medway board was sceptical that a single person could carry out the duties and noted that there were upwards of 4,500 ratings in

⁴³ Rose, The English Poor Law, 170-1.

⁴⁴ The two workhouses were St Nicolas at Rochester and the Chatham workhouse. Medway Poor Law Union Minute Book. [Document number: G/Me/Am 1; MLSC.]

⁴⁵ Ibid.

⁴⁶ It is perhaps further indication that the role of the workhouse doctor was not considered very important when one notices that the rate collector received a higher salary. For more on this see: notes 40-2 and Ibid.

the parishes of Chatham and Gillingham alone.⁴⁷ The board observed that it was 'fully satisfied that it will be impossible for any one person to perform the duties of a collector, as set forth in the Said order of the Poor Law Commissioners'.⁴⁸ A letter was dispatched to the Commission to this effect and in it the board argued that separate rate collectors would be needed for each parish. At a board meeting on the 23rd of November the matter was discussed again and it was noted that the Poor Law Commission had still not reached a decision. On the 30th of November it was duly noted that The Poor Law Commission had allowed the Union to appoint '2 collectors of poor rates or 1 collector and 1 assistant'.⁴⁹ It seems that the Medway Guardians were not entirely satisfied with this outcome and instructed the clerk to reply to the secretary of the Poor Law Commissioners:

to request that he will repeat to the Poor Law Commissioner the respectful but urgent wishes of the board to be permitted to appoint three collectors for the Union with the understanding that the aggregate of the salaries shall not exceed the sum consented to by the Poor Law Commissioners namely £160.⁵⁰

This concession appears to have had the desired effect; on the 14th of December the board was notified that the Commission were permitting the Medway Union to appoint three paid collectors.⁵¹

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Although the Poor Law Commission and the Medway Union finally reached a compromise by agreeing that three rate collectors could be appointed, it should be noted that their salaries would only amount to a third of the original sum agreed by the Commission. It is argued that this solution, if repeated in other Unions may go some way to explain David Ashforth's findings on the relationship between Union arrears and defaulting rate collectors. For more on this see: Ashforth, 'The Urban Poor', in Fraser (ed.), The Poor Law, 128-48.

Several important points can be gleaned from this episode. Firstly, when one considers the amount of time and effort that was required to secure a compromise from the central authorities, it provides further evidence to explain why high calibre individuals were reluctant to be involved in the administration of workhouses. There is also little doubt that the Union's finances were placed under strain because of the delay.⁵² Evidence to this effect can be seen in the way that the board ordered parishes to pay substantial rates during the midst of this disagreement.⁵³ It is clear that such a situation could have had a catastrophic effect on the solvency of a newly formed union. For instance, Rose notes that:

parishes often delayed paying the amounts levied on them by boards of guardians until the last possible moment...Thus a Union often found its finances at a low ebb just when demand on them was greatest, and some came perilously close to bankruptcy'.⁵⁴

Together, these factors would undoubtedly have had an impact on the sort of assistance even the most benign of unions would have been able to provide to paupers who were in their care. This episode also serves to illustrate the kind of tensions that were often present between guardians and the Poor Law Commission. Ashforth notes that the dislike of centralisation was 'the great common denominator amongst opponents of the New Poor Law'.⁵⁵ He also notes that those who were otherwise prepared to accept the new system could not stomach the thought of being ruled by 'three

⁵² In all, it took the Medway Union six weeks to settle this dispute with the central authorities. Medway Poor Law Union Minute Book. [Document number: G/Me/Am 1; MLSC.]

⁵³ On the 25th September the following sums were ordered to be paid to the Medway Union: Chatham £100; Gillingham £60; St Margaret's £35; Lidsing £10; Grange £5. Medway Poor Law Union Minute Book. [Document number: G/Me/Am 1; MLSC.]

⁵⁴ Rose, The English Poor Law, p. 214.

⁵⁵ Ashforth, 'The Urban Poor', in Fraser (ed.), The Poor Law, p. 128.

bigwigs in London'.⁵⁶ The persistent requests, desperate language and eventual compromise made by the Medway guardians suggest that they were doing more than resisting the authority of the central board. Instead, it seems more likely that they were attempting to adapt the edicts of the New Poor Law to suit local conditions and that their efforts to reach an agreement with the central authorities were frustrated somewhat by the lines of communication.⁵⁷ The tenacity of the Medway guardians to eventually extract a compromise from the Poor Law Commission can also be explained by the threat of inspections, Driver notes that:

the 1834 Act gave the Commissioners the power to withhold their sanction from any local expenditure which they considered illegal or contrary to an official Order...the district auditors were given powers of disallowance and surcharge on individual officers who had spent money in a way they regarded as unlawful to an Order'.⁵⁸

On the 25th September the board also discussed how paupers should be classified. It was agreed that the following orders should take immediate effect:

⁵⁶ Ibid.

⁵⁷ Ashforth discusses at length how northern unions actively defied the terms of the New Poor Law. It seems likely that many benefited from their geographical remoteness from the central authorities. Not only because it delayed communications between the two bodies, but also because it gave them a certain amount of political autonomy. In contrast, the Medway Union was situated nearer to the controlling heart of government. As a result it was less able to resist directives of the Poor Law Board. This argument is supported by the protracted negotiations that took place between the Commission and the Medway guardians over the appointment of rate collectors. It is noted that this argument would need to be substantiated further with more investigation. For more on the government of the northern unions see: Ibid, 128-48 and Driver, Power and Pauperism, 32-57.

⁵⁸ Driver, Power and the Pauperism, p. 36.

- 1) That the aged of both sexes with the able bodied female paupers be placed in the workhouse at Chatham.
- 2) That the children be placed in the workhouse at St Nicholas.
- 3) That the sick also be placed in the workhouse at Chatham.
- 4) That the able bodied male paupers be placed in the workhouse at St Margaret's.⁵⁹

Driver notes that 'spatial separation of workhouse populations was intended to function at least three ways; as a basis for appropriate treatment; as a deterrent to pauperism; and as a barrier against contagion'.⁶⁰ It is evident that the Medway Guardians made some attempt to comply with the first of these three directives when they proposed that the workhouse at St Nicholas should be made 'fit for the reception of the children'.⁶¹ Furthermore, it is likely that the Chatham workhouse's proximity to some alms houses, which at that time were used as an infirmary, may have also convinced the guardians that this was an appropriate place to house the sick and aged.⁶²

Driver's second point concerning spatial separation can be interpreted in a number of ways. An earlier part of this chapter showed how the Poor Law Commission insisted that the *workhouse test* should deter paupers from seeking assistance by making conditions in the workhouse as disagreeable as possible. Both Digby and Rose take this suggestion further, emphasising the psychological deprivation that workhouses imposed on families.⁶³ Having visited a workhouse in

⁵⁹ Medway Poor Law Union Minute Book. [Document number: G/Me/Am 1; MLSC.]

⁶⁰ Driver, Power and the Pauperism, p. 65.

⁶¹ Medway Poor Law Union Minute Book. [Document number: G/Me/Am 1; MLSC.]

⁶² For more on pauper facilities in the Medway Union workhouses see:

<http://users.ox.ac.uk/~peter/workhouse/index.html>

⁶³ For more on this see: Digby's comments on Crabbe and the material wellbeing of paupers. Digby, Pauper Palaces, p.2.

Manchester, the French critic and philosopher H. Taine, questioned why a father might prefer to watch his children starve rather than allow his family enter such an institution. He observed that:

He will not separate himself from those of his household, abandon his position as head of the family, and be cabined alone in a compartment; he thinks that, if he is submitted to this, he will cease to be a man. The workhouse is regarded as a prison; the poor consider it a point of honour not to go there. Perhaps it must be admitted that the system of administration is foolishly despotic and worrying, that it is the fault of every administrative system; the human being becomes a machine, and insulted quite unconsciously.⁶⁴

It is perhaps because he was unfamiliar with the workings of the New Poor Law that Taine failed to recognise was that this was exactly the sort of response that the authorities were trying to evince with the *workhouse test*. Yet, his observations do help to explain why these institutions were compared to prisons. At the same time they also give a unique insight into why pauper families were reluctant to enter these institutions. Recently, Wood has noted that overcrowding and regulations imposed by the central authority meant that, deficient furnishings, poor lighting and inadequate heating contributed to the 'psychological cruelties' of the workhouse. Moreover he observes that:

It was the regulations of the central authority which encouraged workhouse dress to be made in the workhouse. The result was hardwearing, badly fitting uniforms which

⁶⁴ Rose, The English Poor Law, p. 170.

survived generations of inmates. It was the central authority which ordered silence at meals, the strict daily timetable and visiting rights at the discretion of the master.⁶⁵

One must question whether these conditions encouraged some members of the poor community to resort to crime rather than submit to the routine of the workhouse, when their households experienced economic hardship? Again, this is an idea that that will be explored in more detail later in this and subsequent chapters. What is apparent, however, is that the routine of the workhouse not only served as a deterrent to the able-bodied, but was also used by the authorities as a form of social control. Separating male and female paupers obviously prevented any form of intercourse between the sexes. In turn, this meant that paupers had few opportunities to procreate. This argument is supported by Driver who notes that segregation, as a barrier against ‘contagion’ was ‘the most enduring justification for spatial separation of inmates’.⁶⁶ Evidence that this policy was thought to be effective can be seen in the way that workhouses were deliberately designed in the middle years of the nineteenth century to house the different categories of paupers separately within large single institutions.⁶⁷

⁶⁵ Peter Wood, Poverty and the Workhouse in Victorian Britain (Strood: Alan Sutton Ltd, 1991), p. 102.

⁶⁶ Driver, Power and the Pauperism, p. 65.

⁶⁷ This theme will be explored further in chapters seven and eight. These chapters look in detail at how the authorities treated prostitutes and vagrants. For the moment it will suffice to say that vagrants were accommodated in wards separate from the main building after new workhouses were constructed at Chatham in Kent and in the Oxfordshire towns of Banbury, Headington and Thame. Details cited from <http://users.ox.ac.uk/~peter/workhouse/index.html>. For a discussion about proposals that were put forward by the Commission to establish separate institutions for “disorderly and lewd women in London”: Driver, Power and the Pauperism, p. 65. Driver also cites G Wythen Baxter, The Book of the Bastilles (London, 1841) and A. Pugin, Contrast (London: 1841) for similarities between the new workhouses and model prisons. For an authoritative survey of

Disrupting family life in this way also served another purpose. In 1838, James Kay, an assistant Poor Law Commissioner argued that removing children from their parents would eradicate 'the germs of pauperism from the rising generation'.⁶⁸ In doing so, he explained that a programme of training and moral discipline would instill 'the practical lesson that they [pauper children] are destined to earn their livelihood by the sweat of their brow'.⁶⁹ Clearly, Kay overlooked the economic realities of poverty. However, his remarks certainly draw attention to the way that authority figures thought that moral fortitude, discipline and hard work could prevent pauperism.⁷⁰ Moreover, Kay's observations appear to suggest that there was a feeling among authority figures in the upper echelons of society that similar policies could be used to treat a range of social ills. For instance, within a decade of Kay making his comments, the Juvenile Offenders Act of 1847 was introduced. The Act allowed juveniles under the age of fourteen to be tried summarily. In doing so, it removed the need for them to spend long periods of time incarcerated with hardened criminals.⁷¹ Heather Shore has argued that this piece of legislation was intended to address concerns that juveniles often progressed into a life of crime, because they were influenced by seasoned criminals whilst they awaited trial at the quarter sessions and assizes.⁷²

Clearly, this theme has considerable relevance to the study being carried out by this thesis. Therefore, later chapters will look at how different public institutions developed their policies and it

workhouse construction also see: Kathryn Morrison, The Workhouse A Study of Poor-Law Buildings in England (Swindon: English Heritage, 1999).

⁶⁸ Driver, Power and the Pauperism, p. 96.

⁶⁹ Ibid.

⁷⁰ Clive Emsley, Crime and Society (Harlow: Longman, 1996), 56-87 and Webb and Webb, English Local Government, 40-64.

⁷¹ David Philips, Crime and Authority in Victorian England (London: Croom Helm Ltd, 1977), p. 132.

⁷² Shore cites the evidence of Samuel Hoare given to a parliamentary committee in 1817. For more on this see: Heather Shore, Artful Dodgers Youth And Crime In Early 19th Century London (Woodbridge: Boydell Press, 2002), p. 102.

will also consider the various ways that legislative reforms were used to control the behavior of certain sections of the laboring population.

Thus far, this chapter has concentrated on outlining how relief practices altered when the New Poor Law was introduced in 1834. Key among the changes was the idea that if the able-bodied were required to submit to a routine of hard labour and strict discipline inside a workhouse, they would be less willing to ask the union for assistance. The next section will look in a little more detail at how this policy worked in practice. Again, this approach is necessary, if this thesis is to show whether some members of the labouring poor were prepared to face criminal sanctions, rather than enter the workhouse. Crowther suggested that the central authorities were concerned that the workhouse would attract the idle and disorderly, unless the regimes inside these institutions were made as disagreeable as possible.⁷³ However, she claimed that it is difficult to calculate how many inmates were capable of work because returns to the Commission's questionnaires suggested 'that few were between 16 and 60'.⁷⁴ The following extract taken from a report published in 1732, seems to undermine this argument. It notes that inmates:

are, for the most part, employed in picking of Oakum for his Majesty's yard, at which they earn about 25^l. per Annum. They spin Wool and Flax for the Woollen and Linen wore in the House, and all the Poor do something according to their Strength: They dress their own Flour, make their Bread, and cook all the Victuals for themselves. They wash and clean themselves and the Children, who are obliged to go to School every Forenoon, to learn to read and say their catechism; but in the Afternoon they spin, the Girls sew, under the Care of a Mistress, who is one of the House; and the rest not otherwise employ'd, pick Oakum with the old People; at the Age of 11 or 12, the

⁷³ Crowther, The Workhouse System, p. 26.

⁷⁴ Ibid.

Boys are bound out to Fishermen, House-Carpenters, Blacksmiths, and other laborious Trades; and the Girls are put into Service.⁷⁵

The above extract also appears to suggest that the authorities at Chatham had tried using harsh regimes to deter the able bodied from using the workhouse as a place of refuge long before the introduction of the 1834 Act. Not only does this indicate that the New Poor Law was not a complete break from the past, it also means that this piece of legislation cannot be held solely responsible for any change that may have occurred in patterns of criminality in the region after 1834. Similar rhetoric also applies to Oxfordshire. For instance, Eden noted in 1795 that the inmates of the Banbury workhouse in the northern part of the county were 'employed in spinning and twisting for the manufacturers of the town' and that their earnings amounted to about forty pounds a year. Eden also provided some insights into the sort of conditions that the inmates were housed in when he noted that 'the Poor here in general appear to be in a very miserable state'.⁷⁶

Clearly, in many areas, the New Poor Law did not herald the dawn of a new era. Instead it presented the authorities with an opportunity to refine and consolidate practices that were already in use. The legacy of setting all categories of paupers to work certainly continued after 1834. For example, the Medway guardians met on the 26th of October 1835. At this meeting it was noted that

⁷⁵ An Account of Several Work-houses for Employing and Maintaining the Poor published, anonymously, by SPCK (the Society for Promoting Christian Knowledge) was one of the earliest directories of parish workhouses in England. In the early 18th century, SPCK was a small but influential London-based organisation which strongly promoted the use of workhouses. SPCK published a variety of resources such as recommendations for masters, guides to rules and diets etc. In many respects, their 'An Account of Several Work-houses...' was a practical guide to the setting up and running of a workhouse. Cited from <http://users.ox.ac.uk/~peter/workhouse/index.html>.

⁷⁶ A.G.L. Rodgers (ed.), Sir Frederic Morton Eden The State of the Poor A History of the Labouring Classes in England With Parochial Reports (London: George Routledge and Sons, Ltd, 1928), p. 280.

‘The board being informed that Oakum picking may be had at his majesty’s dockyard at Chatham for the employment of the paupers resolved that the clerk do apply for a supply to be sent to Chatham and St Nicholas workhouses.’⁷⁷ Thomas Archer’s recollection of Oakum picking in a house of correction again makes it easier to appreciate why contemporary critics likened workhouses to prisons. In 1865 he observed:

As each length of rope is taken from the heap it is untwisted into separate strands, which are rolled backward and forward on the knee, or rubbed briskly under the iron hook, after which the fibre is easily picked into a fluffy ball, which goes to the heap of oakum on the right hand of the operator...the prisoners sit in these large rooms, twisting, rolling, rubbing, until their soft, thievish fingers grow red and sore, and afterwards hard by their contact with those stiff chunks of tarry hemp.⁷⁸

Rather pertinently Wood also points out that in the Bromley workhouse; men had ‘to pick 5 lb of oakum per day and women were required to pick 3 lb’. The severity of the task can be seen from the fact that male convicts had a daily target of 3 ½ lb.⁷⁹

⁷⁷ Similarly on the 17th of March 1849, the Master of the Henley workhouse in Oxfordshire commented on the poor state of the fence at the south end of the workhouse garden and suggested to the board that it should be replaced. He noted that ‘there is plenty of flint and old brick for the purpose and the work can be chiefly done by the inmates’. For more on this see: The Master’s Journal Henley Workhouse December 1849-September 1851. [Document number: PL4/W/A1; Oxfordshire Centre for Local Studies, County Library, Oxford] and Medway Poor Law Union Minute Book. [Document number: G/Me/Am1: MLSC.]

⁷⁸ Thomas Archer, The Pauper, The Thief and The Convict: Sketches of Some of Their Homes, Haunts and Habits (London: 1865), p. 158.

⁷⁹ Wood, Poverty and the Workhouse, p. 147.

Inmates who broke workhouse rules or refused to submit to the routine of hard labour were often subjected to a variety of punishments. Driver argues that the workhouse was a place where 'discipline reigned, rather than the caprice of particular individuals; an institution whose inmates and officials were impressed, above all, with the power of rule'.⁸⁰ This was certainly the case at Hoo in North Kent. In May of 1851, William Eastman had his visiting rights removed because he had been caught 'collecting rags for sale'. Eastman challenged the master's decision by refusing to wash potatoes for dinner. In response, the master stopped Eastman's 'pudding, cheese and butter for 48 hours'. Eastman's name did not appear in the records again, suggesting that the punishment had the desired effect.⁸¹ The master of the workhouse at Hoo frequently restricted the food allowance of inmates to curb refractory behavior. On the 16th of October 1851, Jane Screeze, newly arrived at the workhouse had 'a quantity of apples' confiscated for 'insulting the master and using profane and insulting language'.⁸² On the 1st of January 1852, Sarah Taylor was given dry bread for 48 hours for 'making a great noise, using profane and obscene language and being violent to the master'.⁸³

Inmates who persistently flouted the rules were subjected to harsher punishments. On the 17th of October, one day after being admitted to the workhouse, Screeze refused to give up her own clothes and prevented the matron and her charge from moving a bed that she had brought with her from the nursery. The master 'removed her eldest child' to the nursery. He excused this behavior by noting that Screeze had deserted the child 'twice in the last 3 weeks'.⁸⁴ Similarly, on the 19th of January, Taylor was 'locked up for 4 hours' for 'persisting in creating a disturbance to the annoyance of the inmates'. She repeated the offence whilst 'under punishment' and was locked up

⁸⁰ Driver, Power and the Pauperism, p. 64.

⁸¹ An entry in The Hoo Workhouse Punishment Book explains that dietary restrictions were known as the 'punishment diet'. [Document number: G/Ho WIp Film 434; MLSC.]

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

for an additional 12 hours.⁸⁵ It seems that workhouse masters in other areas believed that this form of punishment was not only effective, but also necessary. An entry in the Henley master's journal for the 19th May 1849 notes that:

The master has to report that much inconvenience arises in consequence of there being no lock up cell for refractory paupers; on two occasions during the last week, the master has been obliged to remove Dead Bodies from the Present lock up and place refractory paupers therein; in order to prevent assault and the destruction of the union property.⁸⁶

It is unlikely that the workhouse records detail every instance when punishment was meted out to inmates. Certainly there is evidence to suggest that inmates were often subjected to abuse or chastised more informally.⁸⁷ Accounts of inmates resisting workhouse rules cannot simply be explained by an individual's propensity to cause trouble. Why, for example, did women like

⁸⁵ Ibid.

⁸⁶ The Master's Journal Henley Workhouse December 1849-September 1851. [Document number: PL4/W/A1; OCLS.]

⁸⁷ Rose notes that Baxter's The Book of the Bastiles, brought 'the cruelties practiced on pauper inmates by sadistic workhouse masters' to the attention of the public. One such account reads; 'Upwards of half-a dozen girls in the Hoo workhouse, some of them verging on womanhood, have at times had their persons exposed in the most brutal and indecent manner, by the Master, for the purpose of inflicting on them cruel floggings; and the same girls, at other times, have, in a scarcely less indecent manner, been compelled by him to strip the upper parts of their persons naked, to allow him to scourge them with birch rods on their bare shoulders and waists, and which, from more than one of the statements from the lips of the suffers, appears to have been inflicted without mercy'. For more on this see: The Times, (December 26, 1840). For an account of the Andover Workhouse Scandal see: Report from the Select Committee on the Andover Union. [Microfilm number: 50.27-48; Session; 1846; Parliamentary Papers.]

Screeze and Taylor persistently break the rules in an institution that was intended to assist them during times of hardship? Taylor was eventually expelled from the workhouse on the 24th July 1852, for throwing food across the kitchen and refusing to pick it up. The records also note that she used 'horrible oaths' and made 'a great disturbance'.⁸⁸ One must question whether the authorities did anything to provoke this sort of response? This is something that will be explored in more detail in the next section. Scandals involving workhouse masters were likely to attract considerable publicity. Wood notes that 'no doubt inadequate supervision meant that much was not discovered'. Moreover he argues that 'many instances would be hushed-up by boards of guardians anxious to avoid the attention of either the press or central authority'.⁸⁹

In 1840 the Poor Law Commission instructed all unions to appoint visiting committees to inspect their workhouses once a week.⁹⁰ This, however, did not necessarily mean that high standards were maintained. For example, the Bicester Union frequently failed to ensure that its visitors' book was completed on a weekly basis. There are also many instances where the visit was signed off without comment. On the 20th of August 1841 the inspectors noted that 'the bread was not so good as it should be', but recommended no further action.⁹¹ In spite of these irregularities, on the 19th June 1842, Alfred Power, an Assistant Poor Law Commissioner commented in the visitors' book that 'he was much satisfied with the cleanness and order of the house and the appearance of the food'.⁹²

⁸⁸ Hoo Poor Law Union Workhouse Punishment Book 1851-1918. [Document number: G/Ho WIp Film 434; MLSC.]

⁸⁹ Peter Wood, Poverty and the Workhouse, 90-1.

⁹⁰ Bicester Poor Law Union Visitors Book. [Document number: PLU2/W/A2/1; Oxfordshire County Records Office, Oxford.]

⁹¹ Ibid.

⁹² Much can be learned about Power's feelings on pauperism from his observations that workhouses should act as 'a terror to the able-bodied population'. Driver, Power and the Pauperism, p. 64.

One of the reasons why the inspectorate found it difficult to coordinate unions properly was because they were poorly supervised and had to cover large territories.⁹³ After 1844, much of the responsibility for inspecting unions fell on district auditors and as Peter Wood notes, 'until 1866 auditors were only allowed to inspect completed accounts, and this after a week's notice'.⁹⁴ Wood's argument is given more credibility when pauper complaints are examined. In September 1866 the Poor Law Board instructed all workhouses to investigate any complaints made by paupers.⁹⁵ The first entry in the Hoo Union's Complaint Book appears on the 10th July 1870. It refers to a complaint made by William Morly about the quality of bread served in the workhouse. His complaint was duly investigated by guardians who agreed that 'the bread was heavy'. The matter was referred to the medical officer, but it was later recorded that Morly's complaint was 'worthless'.⁹⁶ The complaint book was audited only six times between 12th of October 1872 and 16th of October 1875. This suggests that either few complaints were made by inmates, or that the authorities did not take their concerns seriously. The next entry appears in April of 1876 when John Hennesy stated that 'he is neglected by the [next word indecipherable] by not allowing him beer, and despised by the master and everyone else because he is an Irishman'. The Guardians responded thus; 'this pauper is continually dissatisfied that the guardians take no notice of him'.⁹⁷

Quotation in main text cited from: Bicester Poor Law Union Visitors Book. [Document number: PLU2/W/A2/1; OCRO.]

⁹³ Wood, Poverty and the Workhouse, p. 82.

⁹⁴ *Ibid*, p. 84.

⁹⁵ The only Pauper Complaint Book found while researching this chapter was for the Hoo Union in Kent. [Document number: G/Ho W1z/ 2; MLSC.]

⁹⁶ *Ibid*.

⁹⁷ *Ibid*.

Protests

The last section looked at how the authorities dealt with refractory inmates in the workhouse. When the records are viewed in isolation it is difficult to say whether the individuals were simply responding to events, or whether there was a common thread running through these incidents and other sorts of inflammatory behaviour. This is partly because the records are not extensive. Instead, they contain only brief details about the circumstances surrounding the disputes. Moreover, the accounts are mostly written from the authorities' perspective and one must suspect that they contain a fair amount of bias. Yet, when multiple records are brought together it is apparent that disturbances of this sort occurred with some frequency across a range of institutions, right up to the last years covered by this thesis. Moreover, the studies that appear in chapters six and seven will make it clear that these disputes were not only confined to workhouses, but also occurred inside lock hospitals.⁹⁸

These disputes often arose out of disagreements over work schemes, or because inmates failed to observe an institution's rules. For example, nine vagrants were tried at the petty sessions for refusing to complete the tasks that they were set by the master of the Bicester workhouse, over the course of eleven days in January 1845.⁹⁹ Just three years later, around a dozen inmates were involved in a serious disturbance in the same institution. A commotion broke out when a number of the occupants asked for the weight of their bread allowance to be checked. The situation escalated

⁹⁸ These hospitals had wards that were dedicated to treating venereal diseases. They were used to confine diseased prostitutes, while the Contagious Diseases Acts were operation. For more on this see chapter six of this thesis and Judith Walkowitz, Prostitution and Victorian Society: Women, Class and the State (Cambridge: Cambridge University Press, 1999), p. 2.

⁹⁹ Jackson's Oxford Journal, (January 18th, 1845, Issue 4786). [Oxfordshire Centre for Local Studies, County Library, Oxford.]

after three officials tried to segregate a young male from the rest of the inmates by force. On this occasion, the officials were injured and property belonging to the workhouse was damaged.¹⁰⁰

What is hard to determine, however, is whether these disturbances were completely spontaneous. Again, this is because the records are often sparse and the events were described from the authorities' perspective. There is, however, some evidence to suggest that if these acts of defiance were not exactly co-ordinated, they did at least exhibit some signs of premeditation. For example, it is likely that in most cases the individuals concerned would have understood that they would be punished if they contravened the rules of an institution. Again, this is clear from the earlier examples, where both William Eastman and Jane Screeze were repeatedly chastised because they challenged the authority of the master of the Hoo workhouse.¹⁰¹ Similarly, the authorities who were involved in the prosecution of the nine vagrants who stood trial in January 1845, voiced concerns that the men had deliberately refused to pump water, because they knew that they would probably be sent to gaol.¹⁰² It was noted:

This has recently become a very troublesome class of paupers. We are assured their treatment in our Union House is good, and the labour required of them but small; and on Sundays no pauper is ever required beyond what is necessary for the use of the house during the day; yet so many unwilling so many of these persons seem to do any useful labour that they appear to prefer being sent to gaol to the performing of the little work required in return for the board and lodgings afforded them [*sic*].¹⁰³

¹⁰⁰ Ibid.

¹⁰¹ For more on this see notes: 76-8.

¹⁰² Jackson's Oxford Journal, (January 18, 1845). [OSLS.]

¹⁰³ Ibid.

The treatment that pauper inmates received at the hands of officials will be given greater consideration in chapter seven. For the moment, however, it is clear that those who were involved in the above disturbances were not in a strong position to negotiate with authority figures. Again, this is something that Driver drew attention to, when he noted, that the workhouse took no account of 'the caprice of particular individuals' and that it was a place where the 'inmates and officials were impressed, above all, with the power of rule'.¹⁰⁴ Nonetheless, it is clear that individuals were still willing to confront officials when they thought that they were treated unfairly and it seems that one of the few ways that they could articulate their grievances was by refusing to work, or by disrupting the smooth running of the place that housed them.¹⁰⁵ In this respect, there was a clear sense of purpose behind disturbances of this sort. In many cases too, it seems likely that the rebels appreciated that their acts of dissent would probably end in a prosecution and criminal sanctions.

In this sense, acts of rebellion inside workhouses and other institutions appear to have shared common ground with the more organised forms of protest that occurred at Otmoor in Oxfordshire and in Kent during the 1830s. In both instances, it is clear that the process of industrialisation caused a breakdown in the way that the classes regarded each other and made protests more likely. This is something that E.P. Thompson described in some detail in his seminal article on the moral economy of crowds.¹⁰⁶ In short, Thompson noted that in former times, paternal oversight and traditional values had governed how the ruling classes were supposed to treat the lower orders of society. He argued that the poor used protests as a means to register their discontent when boundaries were broken, or if they felt that they were being exploited.¹⁰⁷ Although Thompson's work relates specifically to eighteenth century food riots, more recent research by

¹⁰⁴ Driver, *Power and the Pauperism*, p. 64.

¹⁰⁵ Of course, to pursue arguments that surround the withdrawal of labour would move this chapter into territory that sits beyond the bounds of this thesis. For more on strikes see: Lynne Taylor, 'Food Riots Revisited', *Journal of Social History*, Vol. 30. No. 2 (1996), p. 483.

¹⁰⁶ E.P. Thompson, *Customs in Common* (London: Penguin Books Ltd, 1993), 185-258.

¹⁰⁷ *Ibid*, p. 188.

Adrian Randall and Andrew Charlesworth, suggests that the concept of a 'moral economy' is flexible and can be adapted to cover a range of situations.¹⁰⁸ Like Thompson, they argued that crowds protested because they believed that they were defending traditional rights; rights that were rooted in a paternalistic model. Randall and Charlesworth explained that the model of paternalism which dated back to Tudor times, prescribed that the needs of the poor should always come before profit. Moreover, they observed that although the nature of paternalism changed over time, it had very real foundations in statute law, common law and customary usage.¹⁰⁹

In light of these remarks, it is difficult to see how the New Poor Law, or the work and punishment regimes that were used inside institutions like workhouses and lock hospitals, could have conformed less to this ideal. In turn, it is easy to appreciate why some individuals were prepared to vent their anger and rail against the rules of these institutions. In spite of this, it is apparent that there were some clear divisions between protests that occurred behind the walls of closed institutions like those mentioned above and the uprisings that took place in Kent and Oxfordshire in the early 1830s.¹¹⁰ For simplicities sake they can be placed under three headings: motive, methods and outcome. The next part of this chapter will look at each of these in turn.

It is clear from the study that was carried out in the last chapter of this thesis, that the process of industrialisation had a deleterious effect on many poor households in Kent and Oxfordshire over the course of the nineteenth century. A number of historians have suggested that

¹⁰⁸ Adrian Randall and Andrew Charlesworth 'The Moral Economy: Riots, Markets and Social Conflict', in Adrian Randall and Andrew Charlesworth (eds.), Moral Economy and Popular Protest: Crowds, Conflicts and Authority (Basingstoke, Macmillan Press Ltd, 2000), p. 1.

¹⁰⁹ Ibid.

¹¹⁰ Common law regarded a riot as a violent and cooperative action by three or more people. The Riot Act of 1715, specified that if twelve or more people remained assembled an hour after the Riot Act proclamation had commanded them to disperse, they were guilty of a felony. For more on this see: John Bohstedt, Riots and Community Politics in England and Wales 1790-1810 (Cambridge: Cambridge University Press, 2000), p. 4.

conditions like these created a fertile breeding ground for crime. For instance, Peter King has noted that:

elite commentators were not given to over-generous analyses of the behaviour of the poor...but few doubted that labouring families suffered real hardship in years of severe dearth, and many were prepared to admit that it was deprivation that pushed the poor into illegal activity.¹¹¹

It should be remembered, however, that King's research relates specifically to the eighteenth century. Even so, his study is clearly of use to the analysis that is being carried out by this thesis, because it tries to ascertain whether periods of economic depression led to an increase in criminal behaviour. King believed that one way of establishing whether this link existed was to look at how poor households were affected by rising commodity prices. He argued that in many southern counties the labouring poor were dependent on a diet of wheaten bread. Moreover, he noted that because wages remained relatively stable over the short term, wheat prices could be used to measure rapid changes in levels of destitution.¹¹² King noted that the relevant figures all indicate that there was a significant increase in indictments in almost every county, during at least a few years when wheat prices were high.¹¹³ Yet, it would be wrong to assume that the links between criminality and downturns in the economy are as obvious as King's findings might initially suggest. For example, one needs to be aware that one or two years of drastic price increases could have a disproportionate effect on the overall correlations. As a solution to this problem, King suggests that

¹¹¹ Peter King, Crime, Justice, and Discretion in England 1740-1820 (Oxford: Oxford University Press, 2003), p. 148.

¹¹² Ibid, p. 145.

¹¹³ Ibid.

it would be more helpful to concentrate on the small subgroup of years when prices rose substantially.¹¹⁴

Thompson also cautioned against relying too heavily on food prices to measure levels of criminal activity. Instead, he suggested that it was better to consider how the market operated within a total socio-economic context.¹¹⁵ It is clear from the study that appeared in the last chapter, that the spread of industrialisation contributed to hardship among the labouring population in Kent and Oxfordshire in the early 1830s. For instance, improvements in agriculture reduced the need for farmers to retain a large permanent workforce. This led to widespread under and unemployment in both regions. In addition, the process of enclosure limited the labouring poor's access to open land and at a stroke, it removed a valuable resource that they used to supplement their household incomes. As we have already seen, these changes coincided with a period when attitudes towards poverty were beginning to harden and the complexion of poor relief altered significantly. As a result, many sections of the labouring population grew more dependent on their wages. However, it is clear that in many instances, their household earnings proved unequal to this challenge, a point that was not lost on contemporaries. For example, the agriculturalist, Arthur Young, noted that:

the labourer who now lived on wages alone earned wages of a lower purchasing power than the wages which he had formerly supplemented by his own produce... 'bacon and other kinds of meat form a very small part of their diet, and cheese becomes a luxury'.

¹¹⁴ For more on this see: Fig. 5.1. Essex Property Crime Indictments and Wheat Prices, 1740-1817 and Table 5.7. Coefficients of Determination Detrended Series, Indictments, and Wheat Prices, Essex, 1740-1802. Ibid, p. 147.

¹¹⁵ Thompson, Customs in Common, 244-6.

But even on the meagre food that now became the ordinary fare of the cottage, the labourers could not make ends meet.¹¹⁶

It was against this backdrop of social and economic change that the labouring population in Kent and Oxfordshire rebelled. Yet, it is clear that there were some clear distinctions between how protesters in the two regions behaved and the tactics that they used. Moreover, it is argued that these contrast strongly with the strategies that their contemporaries employed inside workhouses and lock hospitals. It is argued that this was partly because they had the advantage of numbers, but also because they were able to adapt and respond more freely to events as they played out. The next section will look at these protests in a little more detail. In doing so, it will demonstrate how acts of dissent might be included among the range of makeshift strategies that the labouring poor in Kent and Oxfordshire used to protect their household economies.

The Otmoor Riots

The first application to enclose about 4000 acres of moorland at Otmoor was made by the Duke of Marlborough and a number of other landowners in March 1801.¹¹⁷ Dunkin's 1823 history of Oxfordshire provides a contemporary description of the area prior to enclosure. It notes that:

In the immediate neighbourhood of Beckley is the dreary and extensive district of Otmoor, which, though subject to perpetual inundations, has been regarded as a public

¹¹⁶ Hammond and Hammond, p. 87.

¹¹⁷ John Dunkin, Oxfordshire. The History And Antiquities of the Hundreds of Bullington and Ploughley. Vol. 1. (London: 1823), p. 119

common without stint to the inhabitants of the seven towns and hamlets of Beckley, Horton, Charlton, Fencott, Moorcott, Oddington, and Noke from antiquity.¹¹⁸

The Duke's petition to enclose Otmoor was referred to a Committee; however, even at this early stage there were a variety of well co-ordinated protests that can be seen as an attempt by the local inhabitants to prevent the process being completed. In 1774, the House of Commons ordered that notices should be fixed to church doors on three successive Sundays in August and September, in parishes where there was an intention to carry out an enclosure. The bill to enclose land could only continue through parliament if this stage had been completed successfully.¹¹⁹ Notices were fixed to church doors on Sunday 3rd of August. However, a mob prevented the person employed to fix them at Beckley, Oddington and Charlton the following Sunday. On Sunday 17th August, mobs once again prevented notices from being fixed in any of the Otmoor parishes.¹²⁰

The character of these disturbances suggests that in the early stages at least, the protests at Otmoor were not simply spontaneous uprisings, but were in fact organised attempts to frustrate the passage of the enclosure bill through Parliament. It is possible that a few local landowners were concerned that they would lose by enclosure and that these individuals encouraged some of the men that they employed to protest, thereby providing some of the momentum behind the disturbances. This position was shared by Reaney who noted that:

Not only did the farmers take part in the movement at first: they may be said actually to have initiated it. The bank breakers of June 1830, whose acquittal was the

¹¹⁸ Ibid.

¹¹⁹ C.P. Hill, British Economic and Social History 1700-1982 (London: Edward Arnold Ltd, 1985), p. 17

¹²⁰ Hammond and Hammond, The Village Labourer, p 65.

proximate cause of the August riots and of the 'possessioning' and disturbances of September 6th, were drawn from the class of small farmers rather than from the labourers and cottagers.¹²¹

It is also clear from the records that some members of the gentry had concerns about how the moor was to be divided. For instance, the first Bill failed to pass beyond the committee stage because Sir Alexander Croke, Lord of the Manor of Studley, and other prominent landowners in the area, successfully argued that their interests had not been sufficiently considered.¹²² It is unlikely that Croke opposed the principal of breaking up the moor, since he first registered his interest in seeing it enclosed in 1787.¹²³ Yet, the plans to enclose the moor continued to be hampered by disagreements among the major landowners in the region. For instance, the Duke of Marlborough and the Earl of Abingdon petitioned against Lord Abingdon's proposal to divide the moor in 1814.¹²⁴

The Act to enclose Otmoor eventually 'received the Royal Assent on the 12th July 1815'.¹²⁵ It is clear that for the next fifteen years or so, the poor in the region were the major losers in this arrangement. For instance, it has been noted that tenant cottagers had no legal claim to the land after it had been enclosed. Moreover, property owners could only take advantage of the enclosure,

¹²¹ Bernard Reaney, The Class Struggle in 19th Century Oxfordshire: The Social and Communal Background to the Otmoor disturbances of 1830-1835 (Oxford: History Workshop, 1970), p. 66.

¹²² Reaney suggests that the commoners appealed to Lord Abingdon. As he was the Lord of the Manor of Beckley he was also seen as the lord of Otmoor. Reaney notes that 'when the matter came to an issue he not only objected to the undertaking, but 'exerted himself with great warmth and spirit in giving it his most determined oppositions'. For more on this see: Ibid, 23-4 and Hammond and Hammond, The Village Labourer, p. 65.

¹²³ Frank Emery, The Making of the English Landscape: The Oxfordshire Landscape (London: Hodder and Staughton, 1974), p. 157.

¹²⁴ Hammond and Hammond, The Village Labourer, p. 66.

¹²⁵ Ibid, p. 67.

if they were able to pay their share of the expense of draining and dividing the waste. They were also expected to cover the cost of erecting a fence around their allotted land.¹²⁶ Dunkin suggested that in general, cottagers were too poor to be able to comply with these conditions. He argued that this situation forced many to sell their share of land for any paltry sum that was offered.¹²⁷

In the late 1820s, a new channel was dug out for the river Ray to assist with drainage. Following the excavation, part of the moor suffered constant problems with flooding. For two years the men who farmed this low lying tract of land suffered losses. In June 1829, they cut the embankment so that the Ray could once again flow over Otmoor. Twenty two farmers were prosecuted for this act at the Assizes. However, all were acquitted because the judge ruled that they had the right to prevent the destruction of their property and because the commissioner had exceeded his powers in digging the new channel and erecting an embankment.¹²⁸ The Hammonds suggest that the farmers and cottagers in the region misread this ruling to mean that 'all proceedings under the Enclosure Act were illegal and therefore null and void'.¹²⁹ As a consequence, the judgement helped to galvanise support for the moor to be restored to its former condition. It also provided the catalyst for the uprisings. Upwards of a thousand individuals were involved in the 'possessioning' of Otmoor in September 1830. Contemporary accounts suggest that the protests had been organised several days beforehand.¹³⁰ For example, handbills were distributed prior to the protest, calling for the local people to pull down the enclosures. Moreover, a local magistrate argued that it would have been difficult for such a well equipped crowd to have assembled at 6am, if they had not had some prior warning that a protest was to take place.¹³¹ Considering the numbers

¹²⁶ Ibid, 68-9.

¹²⁷ Dunkin, Oxfordshire, p. 124.

¹²⁸ Hammond and Hammond, The Village Labourer, p. 69-70.

¹²⁹ Ibid, p. 70.

¹³⁰ Jackson's Oxford Journal, (September 11, 1830). [OCLS.]

¹³¹ Reaney, The Class Struggle in 19th Century Oxfordshire, p. 36.

that were involved, the protests of the 6th September were fairly peaceful. For example, it was noted in Jackson's Oxford Journal that:

On Monday morning, the time appointed, men women, and children from the Otmoor towns assembled, to the number of about 500, and these were afterwards joined by a like number from other places. They were equipped with all requisite instruments to effect their purpose, such as reap-hooks, hatchets, bill-hooks and duckets. They commenced and completed in a very good humoured and orderly manner, without wither noise or disturbance, their progress round the whole border of the Moor, and as they went, cut down in some parts the whole, and in other some yards only the outer fence, whether gates, bushes, trees or rails so as to afford the cattle access to any or all of the fields enclosed under the Act.¹³²

Several more things are also clear from this commentary. Firstly, that the fence breaking occurred during daylight hours, suggesting that the crowd was openly defiant of the authorities. This was in spite of the fact that legislation was in place that forbade such gatherings.¹³³ Yet, it is unlikely that the authorities would have been able to enforce the law. This was because the force of constables that was stationed at Otmoor was too small to deter the large number of protesters who were bent on registering their discontent.¹³⁴ In this instance, it is clear that the crowd was able to take advantage of the isolation of the authorities.¹³⁵ It is also apparent that custom and ritual played its part in the protest. In doing so, it displayed many of the conventions that Hobsbawm and Rudé identified in

¹³² Jackson's Oxford Journal, (September 11, 1830). [OCLS.]

¹³³ Bohstedt, Riots and Community Politics, p. 4.

¹³⁴ Thompson, Customs in Common, 228-30.

¹³⁵ Ibid and V.A. Brown, The Last Phase of the Enclosure of Otmoor (Reprinted from *Oxoniensia*, Volume XXXII, 1967), p. 38.

the Swing disturbances.¹³⁶ This is evident from how that the protest was organised, the orderly behaviour of the crowd as it paraded around the perimeter of the Moor and the way that all sections of the community were involved in the disturbance.¹³⁷ The social breath of the protesters who appeared in the Calendar of Quarter Sessions after this disturbance also suggests that there was widespread opposition to the enclosure of Otmoor.¹³⁸

It seems unlikely, however, that the protesters were able to maintain the momentum behind the uprisings simply because all of the inhabitants in the locality of Otmoor shared the same beliefs or principals. Instead, it is argued that they may also have achieved their objectives by threatening and intimidating dissenters in order to dissuade them from assisting the authorities. Peter Linebaugh and Roger Morriss have suggested that such practices were quite common and that protest leaders used these tactics to ensure the compliance of all members of the community.¹³⁹ During the disturbances at Otmoor, the authorities tried to entice informers with rewards of up to £100. Only one individual came forward with information about those who were involved in the destruction of property in the area between 1830 and 1835. However, the information that the farmer from Charlton submitted, however, was of little use to the authorities. The superintendent who oversaw the policing operation at the time suggested that his 'inability to remember exact dates of incidents', may well have been because, 'he was afraid' of what would happen if he spoke

¹³⁶ Hobsbawm and Rudé, Captain Swing, p. 67.

¹³⁷ Archer, Social Unrest and Popular Protest in England, p. 38. Reaney, The Class Struggle in 19th Century Oxfordshire, p. 36 and the Oxford University and City Herald, (September 11, 1830). A farmer who witnessed the 'possessioning' also commented that the Otmoor protesters did not use threatening language against person or property. Instead he suggested that they merely attempted to assert their prescriptive and inalienable rights to the Moor. For more on this see: Hammond and Hammond, The Village Labourer, 70-1.

¹³⁸ Reaney, The Class Struggle, 66-7.

¹³⁹ For more on this see: Peter Linebaugh, The London Hanged Crime and Civil Society in the Eighteenth Century (London: Verso, 2003), p. 378 and Roger Morriss, The Royal Docklands During the Revolutionary and Napoleonic Wars (Leicester: Leicester University Press, 1983), p. 28.

‘against the rioters’.¹⁴⁰ Reaney has also observed that men from Charlton, who had taken the lead in the ‘possessioning’ of September the 6th 1830, had let it be known that ‘if the Horton men [inhabitants of a neighbouring district] did not come and help them cut down the fences they would fetch them’.¹⁴¹

It is apparent that these were not idle threats and that the Otmoor protesters were prepared to use violence against individuals if they assisted the authorities. For example, an entry that appears in the House of Commons Journal for 1815, notes that:

it was found impracticable to affix the Notices on the Church doors...of two Parishes...owing to large Mobs, armed with every description of offensive weapons, having assembled for the purpose of obstructing the persons who went to affix the Notices, and who were prevented by violence, and threats of immediate death, from approaching the churches.¹⁴²

Therefore, on the surface it seems strange that the authorities waited until February 1832, before taking decisive action to suppress the rebels.¹⁴³ Yet records kept by the Otmoor Committee suggest that this was partly because they needed time to muster the necessary resources and manpower to

¹⁴⁰ Layard Deposition, 6 Jan 1835. [Document number: O.R.O., CPZ 15/15; OCRO.] Also see: Reaney, The Class Struggle, p. 61.

¹⁴¹ Reaney, The Class Struggle, p. 57.

¹⁴² Hammond and Hammond, The Village Labourer, p. 66.

¹⁴³ On the 17th February 1832 at an adjourned meeting of the Quarter Sessions a special committee of magistrates was appointed to deal with the disturbances. This committee came to be known as the Otmoor Committee. It was chaired by Mr. W.H. Ashurst who was Chairman of the County magistrates. The first meeting of the Otmoor Committee took place at the Star Inn, Oxford, February 1832. For more on this see: Brown, The Last Phase of the Enclosure of Otmoor, 35-6.

control the protesters' movements effectively. For instance, the Committee appears to have been of the opinion that the local constabulary did not pose much of a threat to the protesters.¹⁴⁴ There were several reasons why it reached this conclusion. Firstly, it believed that some special constables were sympathetic to the protester's cause.¹⁴⁵ The police Superintendent was also reluctant to recruit local men because they were unreliable. He argued that they were drunken and negligent and suggested that at least one individual had actually contributed to the disturbances.¹⁴⁶ It is clear that this situation was not uncommon. E.P. Thompson noted that there were many instances when military personnel and local constables assisted rioters during the disturbances of the eighteenth century.¹⁴⁷ As a result, the Committee was forced to draft in officers from outside the area. This, however, did not bring about an immediate resolution to the problem. On their arrival the local inhabitants refused to provide the officers with lodgings. V.A. Brown has suggested that this was partly due to fear, but more generally because the community did not want to assist anyone employed to protect property at Otmoor.¹⁴⁸

It also seems likely that Otmoor's remote location proved more advantageous for the protesters than the authorities. If nothing else, it certainly made it difficult for the Otmoor Committee to garner help from outside the district. For example, the Chairman of the Committee appealed to the Home Secretary on several occasions for troops to be stationed in the area.¹⁴⁹ In a reply that was sent on the 19th February 1832, Lord Melbourne stated categorically that the Government had no intention of establishing a permanent force of men at Otmoor.¹⁵⁰ Thompson has noted that the authorities in riot prone areas often operated in extreme isolation and that crowds

¹⁴⁴ For more on this see: Ibid and Reaney, The Class Struggle, p. 38.

¹⁴⁵ Reaney, The Class Struggle, p. 38.

¹⁴⁶ Ibid, p. 52.

¹⁴⁷ Thompson, Customs in Common, 228-30.

¹⁴⁸ Brown, The Last Phase of the Enclosure of Otmoor, p. 39.

¹⁴⁹ Ibid, 35-6.

¹⁵⁰ Ibid, p. 45

were aware that magistrates were unlikely to receive an immediate response, when they asked for outside assistance.¹⁵¹ It is also possible that the rioters were influenced by reports of protests in other districts. Enclosures had certainly been a persistent source of news in the Oxfordshire papers long before this time.¹⁵² An article that was published in Jackson's Oxford Journal shows that fences and hedges were destroyed at North Leigh in 1759. Two years later, the Berkshire Militia was brought in to quell a similar riot. Around this time, the inhabitants of Bicester clubbed together and raised the necessary funds to track down and prosecute the individuals who were responsible for destroying trees in a new enclosure at Market End. Twenty years later residents at Bampton and Stanton St. John experienced similar problems.¹⁵³

The central authorities eventually relented and allowed a small detachment of troops to be stationed in the Otmoor area for short periods of time. However, responsibility for maintaining order fell predominantly on the small group of constables who were drafted in from the Metropolitan Police Force. In spite of their presence, the authorities appear to have been unable to derail the protesters' activities for some considerable period of time.¹⁵⁴ Brown for example, has highlighted how the local inhabitants undermined the morale of the police in a series of attacks that appear to have been co-ordinated. He noted that on the 8th February:

¹⁵¹ Ibid, 238-9.

¹⁵² Emery, The Making of the English Landscape, p. 132.

¹⁵³ Ibid.

¹⁵⁴ Brown notes that 'The Otmoor Committee met again on the 1 March, to hear that Lieutenant Colonel Rowan, the Commissioner of the Metropolitan Police could not supply more than four of the part-time police requested by the Committee. It was then decided to ask for fourteen regular policemen, to be paid five shillings a day, and a superintendent to be paid according to Colonel Rowan's advice'. It is clear that the cost of policing the disturbances soon escalated, Brown for example notes that for the period 6 March-22 October 1832, the small force had cost ratepayers £850. 15s. For more on this see: Ibid, 38-42.

1,000 yards of dead fencing belonging to John Sawyer, Lord of Oddington Manor and a trustee were destroyed; on the same night the windows of one of the police lodgings were broken...on 10 February Chamberlayne reported that Constable Leddham, and Constable Mount and his family had to stay up all night because some men from Noke had threatened to damage the house; and on the 14th he attested that he and his men could not go through the villages without being insulted and abused and that he could not carry out his task with the force at his disposal.¹⁵⁵

Superintendent Chamberlayne, the man in charge of the constabulary at the time of this attack also reported that the protesters had sabotaged several bridges around Otmoor. The moor had a habit of flooding and the protesters actions' severely compromised the police operation. Chamberlayne noted that after the bridges were damaged the police had to use the longest route to reach trouble spots near Murcott and that communication between police beats was impossible.¹⁵⁶

Again, it is clear from these observations that for quite some time, the protesters were able to use their local knowledge and superior numbers to frustrate the authorities' attempts to quell the dispute at Otmoor. This of course begs the question: should the acts of sabotage, intimidation and destruction of private property in the area, be viewed simply in terms of the local inhabitants' stubbornly refusing to accept that they had lost their customary rights over the Moor? There are several reasons why this explanation is not altogether satisfactory. Firstly, it is clear that the occupants of the villages surrounding the moor had lived with the effects of the enclosure for nearly fifteen years. In that time, they not only gained valuable insights into what the loss of the moor meant to their own households, but they also had an opportunity to evaluate how they might be affected over the longer term. To do this they only had to look at the effect that the process of

¹⁵⁵ Ibid, p. 43.

¹⁵⁶ Ibid, p. 45.

enclosure had on communities in neighbouring districts.¹⁵⁷ This might help to explain why all sections of the labouring community were so opposed to the enclosure of the moor. For instance, seventeen of the thirty four men, who were accused of participating in the protests on September 6th 1830, were skilled artisans.¹⁵⁸ Reaney has suggested that the presence of these individuals is indicative of the high levels of solidarity that existed among the people in the area. He noted that 'the cause was essentially that of the small man, the semi-independent working artisans, cottagers, scratch farmers and small tradesmen'.¹⁵⁹

With the benefit of hindsight, it is clear that they had much to be worried about. Population figures for the post-enclosure period show that villages like Noke and Oddington went into rapid decline after Otmoor was enclosed in the 1830s (see Figure 4.1). Yet, it would be wrong to suggest that all of the villages in the area underwent similar changes. Figure 4.1 clearly shows that three of the villages underwent a period of population growth in the ten years immediately after enclosure. We will look at this anomaly in a little more detail shortly. Yet, for the moment it is apparent that this growth was marginal in comparison to the losses that were suffered by settlements in nearby districts. For example, the population of Horton-cum-Studley and Studley Hamlet grew by only around 3 per cent, whilst the number of inhabitants at Noke and Oddington fell by over 18 and 28 per cent respectively. Moreover, with the exception of Horton-cum-Studley and Charlton-on-Otmoor, all of the villages started to depopulate by the mid-century.

¹⁵⁷ The neighbouring villages of Oddington and Noke were enclosed in the eighteenth century. For more on this see: Reaney, *The Class Struggle*, p. 6.

¹⁵⁸ Ibid, 36-7.

¹⁵⁹ Ibid, p. 68.

Figure 4.1 Population of the Seven Otmoor Towns 1801-1851						
	1801	1811	1821	1831	1841	1851
Charlton-on Otmoor	215	253	307	358	345	368
Fencot & Murcot	263	262	274	300	313	289
Oddington	158	160	166	176	126	126
Beckley	318	343	396	371	345	352
Horton-cum-Studley	283	317	339	320	330	351
Studley Hamlet	90	98	90	85	88	75
Noke	150	153	168	187	153	140
Total	1477	1586	1740	1797	1700	1701

There are several reasons why Charlton-on-Otmoor was inured from the worst effects of the enclosure of Otmoor. Firstly, it should be noted that the land in the immediate vicinity of the village was not actually enclosed until 1858.¹⁶⁰ Moreover, Reaney has suggested that because there was no squire or large landowner, the parish was controlled by the cottagers and small proprietors. In turn, he argued that this meant that the villagers in the region enjoyed a level of autonomy that was not present in neighbouring parishes.¹⁶¹ Perhaps most significant of all, the inhabitants of Charlton-on-Otmoor were not entirely dependent on agriculture for their livelihoods. Instead, a number of industries based in and around the village allowed the residents to maintain a degree of economic independence. For example, at the western end of the village there was a quarry. In addition, a maltster's business and brickworks offered the residents of Charlton-on-Otmoor an alternative to farm labour.¹⁶²

Clearly, the districts that relied most heavily on agriculture experienced the greatest upheaval in terms of depopulation and economic decline. Yet, it was not only the lower orders of society who were affected by the enclosure of Otmoor. During the second half of the nineteenth century, the number of farmers in the area fell dramatically. In 1864, there were 33 farmers in Charlton and its hamlets. However, this figure had fallen to 17 in 1903. Moreover, Reaney argued that small copyholders were completely annihilated at Fencot and Murcot.¹⁶³ A similar point is made by King, who notes that the number of people with access to land fell by over 70 per cent after Otmoor was enclosed and suggests that as a direct result, the area experienced widespread

¹⁶⁰ Ibid, 9-11.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid, p. 70.

depopulation. Furthermore, he argues that this process was not reversed until the twentieth century.¹⁶⁴

Several things are apparent from the above observations. Firstly, that the enclosure of Otmoor had a significant impact on employment opportunities in the region. Moreover, the loss of common land cut off a valuable resource that households used to support and supplement their regular earnings. It is argued that in this respect the protesters were not only trying to reverse the damage that had been done to their households by the process of enclosure, but they were also attempting to protect the livelihoods of future generations, even if it meant that they faced prosecution. Thus, it seems reasonable to suggest that there was a direct link between the Otmoor protests and the makeshift strategies that the labouring poor used to support their household economies.

The Kent Uprisings

The situation in Kent was a little different. As the last chapter showed, much of the county had already been enclosed by the end of the seventeenth century. This is significant for several reasons. Firstly, it meant that households in the region had lived with the effects of enclosure for longer than their contemporaries in Oxfordshire. It might therefore be reasonable to assume that their households had quite a considerable time to adapt to this change in their circumstances. While this may well be true, it also meant that households in Kent had been solely dependent on their wages for much longer than their peers in Oxfordshire. Needless to say, this made it more difficult for them to make ends meet during periods of economic hardship. This claim is supported by an anonymous letter that was written by a freeholder to the Kent magistrate, Sir Edward Knatchbull in

¹⁶⁴ For more on this see: Steven King and Geoffrey Timmins, Making Sense of the Industrial Revolution English Economy and Society 1700-1850 (Manchester: Manchester University Press, 2001), 187-8.

1830. The writer argued that the independence of Kentish labourers was completely undermined, when they lost their access to common land.¹⁶⁵ For example, they noted that the commons:

afforded them many comforts & comparative wealth but they did more, they attached the poor man to his Parish & to his house & home and family. When the labour of the Day was over these different things drew him home & employed many an early & late hour: & if work failed he still could do something for himself at home...Had the inclosures been conducted in a different plan & the poor received a certain portion for their sole use, they would have been highly beneficial.¹⁶⁶

In this respect, the writer's rhetoric is very reminiscent of the observations that were made by the Hammonds regarding the division of Otmoor.¹⁶⁷ The report's author, however, accepted that the process of enclosure was not solely responsible for rural poverty. Instead, they suggested that a combination of factors worked against poor households. For example, they noted that wages were generally too low to meet the cost of rents and foodstuffs. Furthermore, they argued that the system of supplementing earnings with the Poor Rate broke the spirit of the labouring population.¹⁶⁸ Hobsbawm and Rudé suggested that this situation was particularly severe in counties that experienced rapid population growth and where the main form of employment was agriculture.¹⁶⁹ Between 1751 and 1810, the population in these areas rose from around 1.5 million to upwards of 2

¹⁶⁵ Alison Cresswell, The Swing Riots in Kent (Maidstone: KCC Arts and Libraries Publications, 2003), 16-7.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid and Hammond and Hammond, The Village Labourer, p. 87

¹⁶⁸ Cresswell, The Swing Riots in Kent, 16-7

¹⁶⁹ Hobsbawm and Rudé, Captain Swing, p. 42.

million. By the time of the Swing uprisings, this number had increased again to about 2.9 million; a rise of around 505 over a thirty year period.¹⁷⁰

Again, the last chapter showed that a large proportion of this population growth was distributed in Kent. It is apparent that this would not have presented a problem, had the region's labour markets been able to absorb this growth. However, this was not the case. In Kent, it is clear that there was insufficient work for the number of labourers who needed it.¹⁷¹ There are several reasons why this situation arose. Firstly, around 300,000 soldiers and sailors were discharged onto the labour market at the end of the Napoleonic Wars.¹⁷² This coincided with a period when a series of good harvests caused food prices to collapse.¹⁷³ John Burnett has observed that these two events had an effect on the profitability of farms and has suggested that in response, landowners began to employ day labourers rather than live-in servants in order to reduce their overheads.¹⁷⁴ He observed that in the arable south and east, work became increasingly seasonal and explains that the abundance of labour meant that workers could always be found at busy times.¹⁷⁵

Improvements in agriculture also meant that machinery started to encroach on tasks that had traditionally been performed by labourers. For instance, hand threshing had provided unskilled agricultural workers with employment during the winter months.¹⁷⁶ Although the cheapest machines were costly to maintain and often caused the poor rates to increase in areas where they

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² John Burnett, Idle Hands, The Experience of Unemployment, 1790-1990 (London: Routledge, 1994), 20-41.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid, p. 20.

¹⁷⁶ Threshing is the process of separating the grain from the stalk. For more on this see: Gordon Mingay, 'Agriculture', in Alan Armstrong (ed.), The Economy of Kent 1640-1914 (Woodbridge: The Boydell Press, 1995), p. 70 and Kenneth E. Carpenter (ed.), The Rising of the Agricultural Labourers Nine Pamphlets and Six Broad-sides 1830-31 (New York: Arno Press, 1972), p. 22.

were used, farmers still believed that there were sound economic reasons for using them.¹⁷⁷ For example, portable machines allowed landowners to get grain to the market more quickly in years when crop yields were good. The price of grain often dropped quickly after the harvest and usually did not recover until late into the autumn.¹⁷⁸ The machines therefore enabled farmers to maximise their profits. However, their presence deprived the poor of a valuable source of income, during a phase of the agricultural calendar when meaningful employment was harder to come by.¹⁷⁹ An article that was published in The Maidstone Journal in February 1824, found a correlation between the use of farm machinery and an outbreak of discontent in the region. It was noted that:

The agricultural labourers have been induced to resume their attacks on machinery used for farming purposes. You may recollect that I mentioned to you some months ago the fact that the farmers hereabouts had come to the praiseworthy resolution not to use agricultural machinery so long as there were agricultural labourers out of employ; and that such notices were struck upon the church-doors, &c. This promise the labourers think has not been kept....On Monday last, for instance, a draining plough, standing ready for work in a field belonging to Mr. George Robinson, of Chedistone, Near Halesworth, was totally destroyed by being cut to pieces with a saw in all the principal parts of it; and bundles of matches were left on the top of the remains of such draining plough, to intimate what further mischief might be expected, if the use of agricultural machinery were persevered in. It was on this farm that corn stacks, &c. were fired some months ago. On Friday last this same gentleman commenced

¹⁷⁷ Hobsbawm and Rudé, Captain Swing, 359-65.

¹⁷⁸ *Ibid*, p. 362.

¹⁷⁹ For more on threshing machines and seasonal employment patterns see: *Ibid*, 358-65 and chapter three of this thesis. For a contemporary account of how poor households were affected by the introduction of threshing machines see: Carpenter (ed.), The Rising of the Agricultural Labourers, p. 22.

thrashing with a thrashing machine...As soon as it became known amongst the labourers that such machinery was at work...they collected together on the following morning to the number of about fifty or sixty armed with mattocks, axes, bill-hooks, crow-bars, bludgeons, &c., and they then proceeded in a body to Mr. Robinson's house, to the great terror and alarm of the neighbourhood.¹⁸⁰

Several things are clear from the above extract. Firstly, that this was not an isolated incident. Instead, it was just one of a series of pre-planned and coordinated attacks that were directed at farmers who owned machines in the early 1820s. It is also apparent that this particular episode exhibited many of the features that underpinned Thompson's 'moral economy'.¹⁸¹ For example, Robinson was targeted on several occasions by large crowds because he reneged on a promise not to use machinery on his farm, if labourers were out of work. Clearly, the breakdown in this agreement encouraged the protesters to act. In addition, the matches that were left at the scene were no doubt supposed to intimidate Robinson. It is also noticeable that the crowd's anger was not directed at Robinson in person, but rather at his property. Therefore in all respects, this episode bears many of the hallmarks of the protests at Otmoor.

It is also pertinent that in both instances, authority figures posted notices on church doors to communicate with the masses.¹⁸² This was in spite of the fact that the majority of labouring households in Southern England were at best, only semi-literate at this time.¹⁸³ Hobsbawm and Rudé suggested that literate non-labourers provided a link with the world of national ideology, politics and importantly the written word. Moreover, they argued that communities often appointed

¹⁸⁰ Maidstone Journal, (February 17, 1824). [Document number: CKS-P371; Kent County Archives, County Hall, Maidstone, Kent.]

¹⁸¹ Thompson, Customs in Common, 185-258.

¹⁸² Hammond and Hammond, The Village Labourer, p 65.

¹⁸³ Hobsbawm and Rudé, Captain Swing, p. 64.

educated men to act as spokesmen in disputes and when negotiations broke down they were frequently asked to lead protests.¹⁸⁴ Like Otmoor, this also implies that not everybody who was involved in the attack on Robinson's property adopted a prominent role. Again, the numerous pamphlets that were directed at protesters at the height of the Swing riots suggest that a cross section of the labouring population was involved in the protests. The language that was used in these publications also indicates that the authorities thought that they were dealing with rational beings who were capable of making informed decisions.¹⁸⁵ For example, one pamphlet asked protesters to show restraint because:

Any body [*sic*] can see that the ricks are burnt, the dearer the bread must be, and from that the poor must be the greatest suffers. And any body [*sic*] can see too, that if the farmers lose their property, they will no longer be able to pay their labourers, and the more hands must be thrown out of work.¹⁸⁶

Although the incident on Robinson's farm predates the Swing disturbances by several years, it certainly did not occur in isolation. Drawing on articles that were published in The Maidstone Journal in 1827, Shirley Burgoyne Black has demonstrated that there were a series of protests in West Kent throughout the 1820s.¹⁸⁷ Significantly, she also argued that the authorities recognised

¹⁸⁴ Ibid, p. 246.

¹⁸⁵ Such an understanding appears to go against the stereotypical view expressed by many nineteenth commentators that the labouring population were limited intellectually. For more on this see: Timothy Shakesheff, Rural Conflict, Crime and Protest: Herefordshire, 1800-1860 (Woodbridge: Boydell Press, 2003), 1-6. Also see chapter seven of this thesis.

¹⁸⁶ Carpenter (ed.), The Rising of the Agricultural Labourers, p. 22.

¹⁸⁷ Burgoyne Black, Swing, 89-106.

that these disturbances were linked to poverty in the region.¹⁸⁸ In January, just a few months before the protests started to gain momentum, a delegation of clergy, land-owners and tradesmen from more than fifty parishes in the western division of Kent, sent a petition to the Houses of Parliament. The petitioners were concerned about the prospect of wheat being imported and the impact that it would have on domestic prices. They noted that a similar situation had occurred earlier in the decade and observed that on that occasion there had been:¹⁸⁹

Thousands of respectable and industrious Farmers reduced to labourers – Hundreds of
Thousands of Labourers to paupers - and very many of both classes to acts of
desperation'.¹⁹⁰

Several things are clear from the above extract. Firstly, that the economy of Kent was susceptible to depressions during the 1820s and that these were often sparked by fluctuating prices. Secondly, that it was not only the poor who were affected when the economy took a downturn. Instead, landowners and farmers were also vulnerable to market conditions, something that was very reminiscent of the post-enclosure period at Otmoor.¹⁹¹ Finally, experience had taught the authorities in Kent that they needed to respond quickly to changes in the economy, if they were to avoid episodes of civil unrest. Again this reinforces Bohstedt's notion that protests 'were not simply "spontaneous" eruptions', but rather that they were bound up in a complex of community politics.¹⁹² In areas where strong social networks existed between the classes, authority figures were often sensitive to the kind of factors that might cause social relations to deteriorate and

¹⁸⁸ Ibid, 89-90.

¹⁸⁹ Ibid, 90-1.

¹⁹⁰ Ibid, p. 90.

¹⁹¹ Reaney, The Class Struggle, p. 70.

¹⁹² Bohstedt, Riots and Community Politics, p. 202.

moderated their behaviour accordingly. Similarly, protesters understood that the threat of violence was a strong bargaining tool that could be used to exert pressure on the ruling classes.¹⁹³

In Kent, some authority figures were prepared to accept that poverty was a mitigating factor behind protests. For instance, Burgoyne Black argues that many understood that the region's poor rates were overburdened, not because the poor did not want to work, but because the region's labour markets were overstocked. Moreover, she observes that they appreciated that this situation was often the cause of outbreaks of violence.¹⁹⁴ A case involving the parliamentarian and Kent magistrate, Sir Edward Knatchbull illustrates how this worked in practice. Nine men, who were accused of machine breaking, were tried by him at the petty sessions in October 1830. After discussing the case with the other members of the bench, Knatchbull addressed the men in the following terms:

He had no doubt, in what they did, that they had acted under the influence of ill-advisers, [sic] in going about destroying the property of others; for such offences the law provided a fit and condign punishment, and it was important that it should be generally known, that that extreme penalty when thought fit to be enforced, was transportation for seven years. He was glad that the circumstances of the cases of the prisoners were not such as to render it imperative on them so to visit the prisoners. It would be a painful duty to them to have to cause a separation of the prisoners from their families, especially as they were able to support them by their honest industry, and they entertained a hope that they would not, for the future, so far neglect their

¹⁹³ Ibid.

¹⁹⁴ Burgoyne Black, Swing, 91-3.

duties towards them as to bring themselves into the condition in which they stood today.¹⁹⁵

In spite of the severity of the charge, Knatchbull sentenced the men to three days in prison. He advised them that this was a light punishment and suggested that they should accept it as such. He also tempered the sentence with a caution, telling the men that if they were charged with a similar offence in the future, he would exercise the full extent of the law against them.¹⁹⁶

Hobsbawm and Rudé have argued that Knatchbull was one of the more responsible of the Government's agents, because he recognised that the disturbances were not politically motivated, but essentially had economic ends.¹⁹⁷ Again, this appears to suggest that the protesters were motivated by a desire to protect their household economies. However, not all of the officials who presided over cases like these in Kent showed the same level of restraint. For example, the Hon. Mr. Justice Bosanquet suggested to a Grand Jury that the extent of distress in the county had been greatly exaggerated. He argued that no concessions should be made to protesters, regardless of their circumstances, because they had acted in an unlawful manner.¹⁹⁸

There can be little doubt that at first, the Kentish authorities were ill-equipped to deal with the disturbances.¹⁹⁹ However, Knatchbull's apparent even handed approach was not typical of the

¹⁹⁵ The Rochester Gazette and Weekly Advertiser, (October 26, 1830), p. 1.

¹⁹⁶ Ibid.

¹⁹⁷ Hobsbawm and Rudé, Captain Swing, p. 220.

¹⁹⁸ Charge Delivered to the Grand Jury by the Hon. Mr. Justice Bosanquet, at the Assizes for the county of Kent, held at Maidstone on Tuesday, 14th of December, 1830. [Document number: PS/NA/7.2/7; MLSC.]

¹⁹⁹ Hobsbawm and Rudé suggest that this was because the different administrative bodies that were responsible for maintaining law and order in the region did not have the capacity, or will to deal effectively with those who organised the protests. For more on this see: Hobsbawm and Rudé, Captain Swing, 253-4. This theme is also explored in more detail in chapter seven of this thesis.

treatment that offenders received at the hands of the Kent judiciary, once the disputes gathered momentum. By Hobsbawm and Rudé's own reckoning, around 109 incidents could be attributed to Swing rioters in Kent, between 1830 and 1833.²⁰⁰ Broken down, these included 98 incidents of machine breaking and arson and a further 11 cases where letters were sent to the owners of machinery.²⁰¹ In all, there were one hundred and two prosecutions. Twenty five of these ended in acquittals. Of the remainder, forty eight were imprisoned, four were executed and further twenty five were transported to the Australian colonies.²⁰² Lesser punishments like whipping were not used, suggesting that in the main the authorities took an extremely hard line towards the protesters.

What is hard to ignore from the above, however, is that there was a disparity between the number of offences that were brought to the attention of the authorities and the number of incidents that reached court.²⁰³ This discrepancy is not easily explained. It might be that the individuals concerned did not have the resources, or the will to prosecute. Alternatively, it is possible that for a variety of reasons, others chose not to disclose that they were the victims of intimidation, or that they had been subjected to violent attacks.²⁰⁴ Both of these themes are explored in more detail in remaining chapters of this thesis. There is, however, evidence to suggest that Hobsbawm and Rudé underestimated the true scale of the uprisings in the region. For example, Burgoyne Black notes that the bibliography of Hobsbawm and Rudé's book about the Swing riots does not include reports

²⁰⁰ In total, Hobsbawm and Rudé calculated that there were 154 disturbances in Kent between 1st January 1830 and 3rd September 1832. This figure, however, also included workhouse riots, tithe riots and rent and wage riots. For more on this see: Ibid, 303-5.

²⁰¹ Ibid.

²⁰² In actual fact five men were sentenced to death. This suggests that one of these sentences was commuted. Ibid, 308-9.

²⁰³ This assumption is made on the basis that Hobsbawm and Rudé identified 154 riotous incidents between 1830 and 1832, but note that there were just 102 prosecutions. For more on this see: Ibid, 303-9

²⁰⁴ Clearly, this 'dark figure' obscures the true extent of the uprisings in Kent. Clive Emsley, Crime and Society in England 1750-1900 (Harlow: Pearson Education Ltd, 1996), p. 24.

of disturbances that were published in The Maidstone Journal in the 1830s.²⁰⁵ Additionally, an account of a fire that killed four men and seven horses at a farm at Bostall-hill near Whitstable was also omitted from their monograph. This oversight is particularly surprising, since the owner of the farm was said to have received three intimidating letters. Hobsbawm and Rudé's figures suggest that these missives formed nearly a quarter of the total number of known threatening letters that were sent in Kent.²⁰⁶ Yet in spite of these difficulties, it is apparent that the Kentish protesters, like their contemporaries in Oxfordshire, selected their targets carefully and used a variety of coercive tactics to articulate their grievances when other forms of bargaining were unsuccessful.

Conclusions

This chapter has highlighted several important points about the relationship between poverty, legislative reforms and protest movements. The first section showed how the progress of industrialisation resulted in widespread under and unemployment in the southern part of the country during the first decades of the nineteenth century. For the authorities, this placed an unacceptable burden on the poor rates. Their response was to establish a Royal Commission to investigate relief practices throughout England and Wales. It is clear, however, from the study that has been carried out in this chapter that the Commission was less concerned with identifying the causes of poverty, than seeing how expenditure on the poor could be reduced. There are three things about the line of inquiry that the Commission followed to suggest that this was the case. Firstly, the wording of the questionnaires that were sent out to parishes encouraged officials to support their arguments with anecdotal evidence rather than with facts that could easily be verified. Secondly the report did not fully reflect regional patterns of relief. Instead it drew on a sample of 3,000 parishes that were located mostly in the south of England. Undoubtedly, this helped to skew the report towards a

²⁰⁵ Burgoyne Black, Swing: The Years 1827-1830, p. 90.

²⁰⁶ Jackson's Oxford Journal, (January 22, 1831), p. 3.

particular outcome. Finally it is clear that the Commission selected data that emphasised bad practices over good. Again, this suggests that from the outset, the direction of the Commission's report was largely predetermined. In any event, the report that the inquiry produced had clear repercussions for the able-poor, inasmuch as they were required to submit to the routine of the workhouse, if they wanted the poor law authorities to support them during periods of economic hardship.

By making relief conditional in this way, the central authorities tried to institute a fundamental change to how relief was organised. The second part of this chapter looked at the repercussions that this had for poor households. It is evident that the Old Poor Law was extremely flexible and that vestries exercised considerable discretion over how relief was distributed. Often, vestry officials used these powers to support work related activities, providing paupers with help in kind, in the form of tools, or seeds. Although these forms of relief rarely amounted to much in fiscal terms, they did allow the able-poor to maintain a degree of independence from the authorities. Such practices were discontinued when the New Poor Law was introduced in 1834. At a stroke, the economies of poor households were left in an extremely vulnerable position if their earnings were disrupted by under or unemployment, or if the main breadwinner fell ill or died. Clearly, this raises questions about how these households coped when few avenues were left open to them. With these thoughts in mind, it does not seem unreasonable to suppose that some may have turned to crime in order to survive. This of course is something that will be explored in a little more detail below and in later chapters of this thesis.

For the moment, it is clear that the New Poor Law not only withdrew customary forms of relief from able-bodied paupers, but also restricted how unions were able to respond to local conditions. For example, the dispute that broke out between the Royal Commission and the Medway Union over how the rates were collected, illustrates how the terms of the New Poor Law were often at odds with local concerns. This episode also emphasises how the Medway Union's geographical location may have had some bearing on why guardians in Kentish unions followed the

directives of the Commission closely. This is something else that later chapters of this thesis look at with regards to unions in Oxfordshire. What is clear from the present study, however, is that the routine inside workhouses in Kent and Oxfordshire was used to deter all but the most impoverished from seeking assistance. It is also apparent that the regime of hard labour and discipline caused the majority of pauper inmates both physical and mental hardship. Moreover, the burden of inspections prevented the Poor Law Commission and later the Poor Law Board from ensuring that unions always complied with the 1834 Act. This is evident from how the Bicester Union failed to complete its weekly audit and the way that pauper complaints and abuses were overlooked at Henley in Oxfordshire and Hoo in Kent.

Clearly, the ill treatment that was directed at inmates was responsible for many of the protests that occurred inside workhouses in Kent and Oxfordshire. However, the ruthless manner in which these disputes were suppressed undoubtedly reinforced the notion that the authorities had the upper hand inside these institutions. Pauper inmates who broke the rules of the workhouse were also subjected to a variety of punishments. On occasions, they faced criminal sanctions for disobeying workhouse officials. In this respect, the New Poor Law made it easier for paupers to be criminalised, for what would today be considered minor transgressions. The fact that these incidents received widespread coverage in the press no doubt also served to propagate the idea among the labouring population that it was in their interest to do all that they could to say beyond the walls of the workhouse.

While this does not prove conclusively that the able-bodied poor were forced to fall back on criminal behaviour in order to survive, it is clear that they were unable to rely on traditional forms of relief if they remained outside of these institutions. Moreover, it is apparent that conditions inside the workhouse were severe enough to deter all but the most desperate from seeking assistance during times of hardship. When these arguments are considered together it is clear that the outlook for paupers who fell on hard times was extremely bleak. Inside the workhouse they had to submit to a routine of hard labour and strict discipline. On the outside, they were forced to rely

on whatever resources they were able to muster for themselves. It therefore seems reasonable to suggest that in the absence of viable alternatives, some may have used the proceeds of crime to support their household economies in order to remain independent of the workhouse.

In this respect, it is possible to establish a clear connection between the labouring population's desire to maintain their economic independence and the protest movements that occurred in Kent and Oxfordshire in the 1820s and 1830s. However, it is also apparent that the underlying cause of their complaints was very different. In Oxfordshire the protesters were attempting to restore the common rights that they had previously enjoyed over Otmoor. For them, the loss of these rights signalled the end to a traditional way of life and there was a sense of foreboding that their economic independence was about to be undermined forever.

In Kent the pace of change was more advanced. The process of enclosure was nearly complete by the beginning of the period covered by this thesis. This meant that the labouring population was almost totally dependent on their regular earnings. At the same time, new agricultural practices required less manpower. As a result, labour markets in the region shrank. These changes meant that labouring households were more vulnerable at times of the year when the demand for labour slackened, or if there was a downturn in the economy. As we have seen throughout this chapter and the last, wage levels were a constant source of aggravation for the labouring population in Kent, and a large proportion of the poor found it difficult to sustain their households. Therefore, the evidence seems to suggest that the changes outlined above, were at least partly responsible for the uprisings that took place in the county during the late 1820s and early 1830s. Hobsbawm and Rudé have suggested that over the long term, the protests achieved little. However, as the remaining chapters in this thesis will show, they cast a long shadow over how the poor in both regions were treated by the authorities. This will certainly become evident from how union officials in both regions continued to distribute out-relief to the able-bodied, even though it went against the regulations of the New Poor Law.

Chapter Five:

Crime and the Economy of Makeshifts in the

Medway Towns and Rural Districts of North Oxfordshire

1830-1880

It is the purpose of this thesis to look at the effect that legislative reforms had on poor households in Kent and Oxfordshire between 1830 and 1885. In short, its aim is to consider whether the poor relied on the proceeds of crime to augment their regular earnings, when new legislation undermined, or outlawed practices that they relied on to support their makeshift economies. To this end, the last chapter looked at the impact that two pieces of legislation had on poor households in the two regions. Firstly, it showed how the amendments that were made to the poor laws in 1834, altered how relief was distributed to able-bodied paupers. In particular, it meant that they were no longer entitled to out-relief. Instead they were required to enter the workhouse, where they had to submit to a routine of hard labour and strict discipline. It was argued that conditions inside these institutions were designed to dissuade all but the most desperate of paupers from seeking assistance from the poor law authorities. Next, it looked at how poor households were affected by the process of enclosure. It demonstrated that the division of common land cut off a vital resource that the labouring population used to generate additional income. In many instances, the poor used this income to supplement their occupational earnings. It was argued that together, these changes reduced the labouring poor in Kent and later in Oxfordshire to total wage dependency. The final part of the chapter established links between these reforms and episodes of civil unrest in the two counties. In doing so, it suggested that protests could be included in the range of makeshift strategies that the labouring poor used to protect their household economies.

In order to appreciate whether the poor relied on other sorts of criminality to maintain the solvency of their households, this chapter will address the three key research questions that were outlined in the methodological section at the beginning of this thesis. The first of these was: did crime contribute to makeshift economies and in what ways? Secondly, how was the character of crime shaped by locality, gender and the age of the offender? And finally, to what extent can desperation be seen as a driving force behind the actions of criminals? Such an investigation will of course need to examine whether there was a distinction between the kind of strategies that the poor relied on to support their makeshift households in the Medway basin and the rural districts of north Oxfordshire. At the same time it will look at how the machinery of local government functioned in the two regions. Such an undertaking is necessary, if this thesis is to determine whether criminal acts like poaching and petty theft were connected to poverty, or whether indictment levels for these crimes were more directly linked to the way that legislation was enforced in Kent and Oxfordshire.

Historians and social commentators have long suggested that there was a link between crime and poverty. For instance, in the nineteen twenties, Dorothy Marshall noted that seventeenth century writers believed that offences like vagrancy and theft could be eradicated by giving the poorer classes greater access to formal education.¹ It is clear, however, that by the beginning of the eighteenth century, attitudes were starting to change. Authority figures like Locke for example, claimed that the poor were unwilling to work, even though employment was readily available.² For the most part, Marshall's work was apolitical, insomuch as she tried to explain this shift by placing it in context with changes that were taking place in wider society.³ In contrast, the Hammonds and the Webbs were openly critical of the way that the authorities dealt with poverty at the beginning of the nineteenth century. They levelled much criticism at the administration of the poor laws and suggested that this was partly responsible for the uprisings in the south of England in the early

¹ Dorothy Marshall, The English Poor In The Eighteenth Century (London: George Routledge and Sons, Ltd, 1926), p. 25.

² Ibid, p. 31.

³ Ibid, 35-56.

1830s.⁴ As the last chapter showed, a similar perspective was shared by Hobsbawm and Rudé in the 1970s.⁵ Yet, Barry Godfrey and Paul Lawrence have recently argued that by the 1850s, more enlightened thinkers were beginning to explore the possibility that living conditions and other environmental factors had some bearing on the crimes that the labouring poor committed.⁶ They note:

from the middle of the mid-nineteenth century, prevalent attitudes began to undergo modification. Individualistic explanations of poverty and crime were increasingly ceding ground to more collective theories of 'degeneration' and urban decay...degeneration theory came to place emphasis on the detrimental effects of modern, urban life...[and] on the mental health of individuals...Attention gradually shifted therefore, from the will/culpability of the individual criminal to...environmental factors which shaped his/her destiny.⁷

Recent historical studies have also looked at the link between crime and industrial change. Peter King for example, has argued that indictments for property crime often increased when wheat prices were high. In doing so, he highlighted how the poor found it difficult to afford basic commodities

⁴ J.L. Hammond and B. Hammond, The Village Labourer 1760-1832: A Study in the Government of England Before the Reform Bill (London: Longmans, Green and Co, 1920), *passim* and Sidney and Beatrice Webb, English Poor Law History: Part II: The Last Hundred Years (London: Longmans, Green and Co, 1929), *passim*.

⁵ E.J. Hobsbawm and George Rudé, Captain Swing (London, Lawrence and Wishart, 1970), *passim*.

⁶ Barry Godfrey and Paul Lawrence, Crime and Justice 1750-1950 (Collompton: Willan Publishing, 2005), p. 113.

⁷ *Ibid*.

and foodstuffs when the economy faltered.⁸ Yet once again, as the last chapter showed, care needs to be shown when linking food prices to indictments. For example, it is apparent that extreme values can corrupt over-all correlations. Moreover, King suggests that some account also needs to be taken of the help that employers, charities and neighbours offered to individuals when they experienced unusual hardship.⁹ Whilst his observations are clearly helpful, it should be remembered that King's work is based on eighteenth and early nineteenth century documents that are drawn from archives in Essex. Therefore, further research is necessary in order to determine whether similar factors were at play in the Medway towns and north Oxfordshire during the nineteenth century. Research produced by Frederick Lansberry has helped to fill this void.¹⁰ He argues that at the end of the Napoleonic Wars indictments increased sharply, before dropping back in the 1820s. However, in the 1830s they started to rise again. This trend continued into the 1840s and did not begin to reverse until the end of the 1850s. Moreover, he argued that theft constituted the bulk of serious offences.¹¹

Hastings offered several explanations for these results. Firstly, he noted that the peaks coincided with years of economic depression and suggested that this was indicative of the poor stealing in order to survive.¹² He attributed the downward trend to improvements that were made in policing.¹³ However, Hastings also observed that this trend marked a period when households were

⁸ Peter King, Crime, Justice, and Discretion in England 1740-1820 (Oxford: Oxford University Press, 2003), 145-8.

⁹ Ibid, 148-9.

¹⁰ Paul Hastings, 'Crime and Public Order', in Frederick Lansberry (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 210-48.

¹¹ Ibid, p. 212.

¹² Ibid.

¹³ A similar point was made by Clive Emsley. However, he also suggested that legislative reforms may also have deterred others from offending in the first place. For more on this see: Clive Emsley, Crime and Society in England 1750-1900 (Harlow: Longman, 1996), 40-1.

generally growing more prosperous.¹⁴ Yet, as the last chapter showed, aligning years of dearth with increases in criminal indictments are fraught with difficulties.¹⁵ To his credit, he supported his arguments with a number of caveats. Even so, the Hastings' investigation can also be criticised because it rests on an extremely broad base. As a result, he paid little heed to the effect that legislative reforms had on prosecution levels, or how the law was used against offenders in particular districts and at different times.¹⁶ However, he did point out that there were high levels of prostitution in areas that were near to barracks and naval base at Chatham.¹⁷ For this reason, Hastings' study is useful to the analysis that is being carried out in this chapter because it suggests that local conditions helped to shape patterns of criminality in the region. Clearly, there is an opportunity for this chapter to open the investigation up and by looking at a wider range of offences we can see how they were linked to the social changes that occurred in Kent and Oxfordshire between 1830 and 1885.

For the most part, little has been written about crime in the latter region. Where studies do exist, they tend to concentrate on the uprisings that occurred at Otmoor in the 1830s.¹⁸ It is perhaps because Oxfordshire retained its rural character for much of the nineteenth century that so little has been written about crime in the region.¹⁹ Two recent articles, however, have proved the exception to this rule. The first, produced by Anne-Marie Kilday, looks in some detail at the link between

¹⁴ Ibid.

¹⁵ King, Crime, Justice, and Discretion, 148-9.

¹⁶ Ibid and Emsley, 21-55.

¹⁷ Hastings, 'Crime and Public Order', in Lansberry (ed.), Government and Politics in Kent, p. 218.

¹⁸ For instance, see: Hammond and Hammond, The Village Labourer, 64-72 and Bernard Reaney, The Class Struggle in 19th Century Oxfordshire The Social and Communal Background to the Otmoor disturbances of 1830-1835 (Oxford: Ruskin College, 1970), *passim*. For a more recent article see: John Stevenson, Popular Disturbances in England 1700-1832 (London: Longman Limited, 1997), *passim*.

¹⁹ Robert D. Storch, 'Popular Festivity and Consumer Protest: Food Price Disturbances in the Southwest and Oxfordshire in 1867', Albion, Vol. 14. No. 3 (1998), 209-34.

criminal indictments and poverty in Oxfordshire, during the eighteenth century.²⁰ During the course of her survey, Kilday makes some important points about the difficulties associated with studies of this sort. For example, she suggests that indictment levels often reveal more about attitudes to crime than they do about any relationship that may have existed between the behaviour of offenders and their personal circumstances.²¹ However, as the last chapter showed, Kilday's study focuses on a period when ratepayers were growing uneasy about the amount of taxation that was needed to support the poor.²² Therefore, she needed to demonstrate a greater awareness of how the administration of the poor laws affected living standards. Such an approach would have allowed her to state more conclusively whether increases in indictments in Oxfordshire were linked to changing attitudes towards crime, or whether they were symptomatic of the fact that parish officials were scrutinising all forms of assistance to paupers.

In a contrasting study, Robert D. Storch suggested that indictment levels were sometimes connected to economic change.²³ Storch's article focuses on the Oxford food riots. He argued that when the price of foodstuffs rose in the winter of 1867, labouring households in the city experienced considerable hardship.²⁴ This chapter has already identified some of the problems associated with connecting criminality to food prices.²⁵ However, the central argument that indictments were often high when prices rose substantially seems to suggest that there was some

²⁰ Anne-Marie Kilday, "'Criminally Poor?'" Investigating the link between Crime and Poverty in Eighteenth Century England', in Steve A. King and Richard M. Smith (eds.), Poverty, Poor Relief and Welfare in England from the 17th to the 20th Century (Woodbridge: Boydell forthcoming 2011).

²¹ Ibid, p. 21.

²² For more on this see: Paul Slack, The English Poor Law 1531-1782 (Basingstoke: Macmillan Education Ltd, 1990), *passim* and David Englander, Poverty and the Poor Law Reform in 19th Century Britain, 1834-1914 From Chadwick to Booth (Harlow: Longman Ltd, 1998), *passim*.

²³ Storch, 'Popular Festivity and Consumer Protest', 209-34.

²⁴ Ibid.

²⁵ King, Crime, Justice, and Discretion, 148-9.

correlation between criminality and periods when the economy went into decline. This line of argument is certainly supported by Peter King who has noted:

Contemporaries may well have been correct in assuming that an increasing proportion of the poor, faced with misery in the midst of plenty, turned to illegal appropriation as a supplementary source of income or food in times of extreme dearth.²⁶

Storch's article is clearly of interest to the investigation that is being carried out by this chapter, because it is one of the few studies to look at the impact that living standards had on crime in Oxfordshire during the nineteenth century. However, the food riots that Storch described were confined to just a few days in November 1867. Evidently, there is an opportunity for this chapter to consider other sorts of offences and look at their connection to poverty over a longer timeframe. To this end, the present study also intends to show whether there were any differences between the kind of strategies that the poor relied on in urban and rural settings. Part of this investigation will also examine the effect that new legislation had on the household economies of the labouring poor and consider whether this affected criminal indictments over time.

Naturally, such an undertaking would need to look at the circumstances behind offences at a local level in order to gauge whether or not criminal acts were motivated by necessity. However, as David Philips has pointed out, official documents present the authorities' perspective and rarely provide more than a short summary of the defendant's personal situation.²⁷ It should also be remembered that the records that have survived also represent only a small proportion of the total that was kept. Some consideration needs to be given to the number of offences that were never brought before the courts, because they were not detected or because the authorities lacked either

²⁶ Ibid, p. 149.

²⁷ David Phillips, Crime and Authority in Victorian England (London: Croom Helm, 1977), 13-40.

the willpower or resources to prosecute.²⁸ Clearly, all of these factors make it difficult to accurately track changes over time and between different localities. It is clear, however, that as the nineteenth century progressed, the criminal justice system evolved.²⁹ One consequence of this transformation was that the authorities began to collect and hold more information about individuals.³⁰

There are a number of ways in which this additional data will be used. Firstly, the long time span covered by this thesis will allow this chapter to show how the authorities adapted the criminal justice system to address concerns about criminality. Furthermore, as the introduction to this thesis demonstrated, greater use can be made of the range of documents that are available from the second half of the nineteenth century. For example, different sorts of archival material like poor law records, census reports and prison registers can be brought together to create socio-economic profiles of individual offenders. Therefore, this chapter will explain how Record Linkage can be used to reveal more about the personal situation of individuals than single sources.³¹ It will also demonstrate how these profiles can improve our understanding of the relationship between the socio-economic circumstances of offenders and the types of crimes they committed.

To this end, this study will concentrate on two main offences; poaching and theft, with a particular focus on food items. These categories were chosen because they appear with some frequency in the court records of Kent and Oxfordshire and are the kind of offences that historians have often suggested were linked to poverty.³² Wage and price indexes will be used to highlight the

²⁸ Emsley, Crime and Society, p. 24.

²⁹ Phillips, Crime and Authority, 13-52.

³⁰ D.T. Hawkins, Criminal Ancestors: A Guide to Historical Criminal Records in England and Wales (Stroud: Alan Sutton, 1992), 214-5.

³¹ For a more detailed discussion of how the technique of Record Linkage can contribute to historical debates see: Adrian Ager and Catherine T. Lee, 'Prostitution in the Medway Towns 1860-1885', Local Population Studies, No. 83 (2009), *passim*.

³² Emsley, Crime and Society, p. 40 and K.D.M. Snell, Annals of the Labouring Poor Social Change and Agrarian England 1660-1900 (Cambridge: Cambridge University Press, 1987), p. 126.

effect that growing industrialisation had on the living standards of the poor.³³ A similar approach was used by K.D.M. Snell in the 1980s, to track changes in agricultural earnings. He found that agrarian wages in Oxfordshire and Kent declined by around fifteen percent between 1830 and 1850.³⁴ Summarising the effect that this had on poor households in the two regions, Snell noted that the figures were 'devastating' because the 'budgets of farm labourer's families' were extremely 'precarious'.³⁵ It is apparent, however, that due consideration will need to be given to two factors. Firstly, that commodity prices not only fluctuated between regions.³⁶ Secondly, that the experience of individuals or groups working in particular districts did not always conform to the 'national average'.³⁷

Clearly, the present study will need to look at the sort of socio-economic conditions that prevailed in Kent and Oxfordshire, if it is to show how criminal behaviour altered over time in response to growing industrialisation between 1830 and 1885. Naturally, editorial constraints place limitations what an investigation of this sort can achieve. To overcome this problem, the first part of this study will briefly outline the socio-economic conditions that existed in the northern districts of Oxfordshire and the Medway basin of Kent in the years leading up to our period. This survey will then be used to explain why there may have been links between criminality and the kind of support mechanisms the labouring poor relied on during times of difficulty. It seems sensible to suggest that a similar approach should be used throughout the rest of the chapter. The next section will therefore concentrate on the middle years of the nineteenth century and look at how labouring households in Kent and Oxfordshire adapted to the changes which were brought about by the process of industrialisation and whether this had any effect on patterns of criminality in the two

³³ Ibid, p. 128.

³⁴ Ibid, 128-30.

³⁵ Ibid, p. 129.

³⁶ Ian Gazeley, 'The Cost of Living for Urban Workers in Late Victorian and Edwardian Britain', The Economic History Review, Vol. 42, No. 2 (1989), 207-8.

³⁷ Ibid.

regions. The final part of this chapter will also look at the link between welfare provision, employment opportunities and the number of criminal indictments that were brought before the courts during the last decades of the nineteenth century.

Oxfordshire 1830-1850

As chapter three showed, the economy of north Oxfordshire was firmly rooted in agriculture. Two factors in particular stifled industrial development. Firstly, the transport infrastructure was poor. This made it difficult for raw materials and finished goods to be moved between markets.³⁸ In addition, the surplus labour force was relatively small. This discouraged new industries from settling into the region. The majority of the labouring poor in the region were therefore heavily dependent on the land for their livelihoods.³⁹ The Ploughley Hundred was a large agricultural district, situated in the northern part of the county.⁴⁰ One of the most populated areas in this region and the commercial hub of the thirty three parishes which made up the Ploughley Hundred was the market town of Bicester. In 1831, there were about 14, 000 inhabitants living in this district, with nearly twenty per cent of the total living in the vicinity of Bicester.⁴¹ The only other urban centres of any consequence in this region were the city of Oxford which lay some thirteen miles to the south of Bicester and the town of Banbury, which was a similar distance to the north.⁴²

³⁸ Arthur Young, A View of the Agriculture of Oxfordshire Drawn up for the Board of Agriculture and Internal Improvement By the Secretary of the Board (London: 1809), 328-30 and John Dunkin, The History and Antiquities of Bicester: A Market Town in Oxfordshire (London: 1816), p. 20.

³⁹ Ibid.

⁴⁰ Mary D. Lobel and Gwendoline H. Dannatt, Bicester: Victoria County History: County of Oxford Volume VI (London: Institute of Historical Research, (OUP), 1959), p. 1.

⁴¹ Abstract of Population Returns of Great Britain, 1831, passim. [Document number: 36.259-78; Parliamentary Papers.]

⁴² William Potts, A History of Banbury: The Story of the Development of a Country Town (Banbury: Gulliver Press, 1978), *passim*.

At the beginning of the nineteenth century, Bicester's cattle and sheep market still drew a considerable number of farmers and graziers into the town every fortnight. However, the market for commodities like butter and cheese was deteriorating. In 1832, an outbreak of cholera further undermined the town's tenuous hold on prosperity and advanced its decline.⁴³ Around this time, two districts in particular, *Crockwell* and the *New Buildings* had garnered quite a reputation for overcrowding and unsanitary conditions. It was here that most of the town's poor were housed in cramped quarters.⁴⁴ It is also clear poverty had been a source of tension between the authorities and the poor in the area for some time.⁴⁵ Moreover, an article that was published in the Morning Chronicle in 1827, suggests that this tension spilled over into episodes of civil unrest.⁴⁶ The report's author noted that labourers had been set to work on the roads in December, because there was a shortage of agricultural work.⁴⁷

The scheme at Bicester stands out because a disturbance erupted when the overseers deducted money from the labourers' weekly allowance.⁴⁸ There is little doubt that agricultural labourers in Bicester were finding it difficult to secure work during the winter of 1827, from the way these events are described in the article. At the same time, it is clear that the authorities were wholly unsympathetic about the situation that the labourers found themselves in. They implied that

⁴³ Lobel (ed.), The Market Town of Bicester, 14-56.

⁴⁴ Lobel and Dannatt, Bicester: Victoria County History, p. 39 and John Dunkin, The History and Antiquities of Bicester: A Market Town in Oxfordshire (London: 1816), p. 17.

⁴⁵ The Morning Chronicle, (December 17, 1827).

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ The Hammonds suggest that this was not unusual. Hammond and Hammond, The Village Labourer, 135-82. Also see: Sidney and Beatrice Webb, English Local Government English Poor Law History Part 1 The Old Poor Law (London: Frank Cass and Co. Ltd, 1963), 227-8. For problems associated with labour-schemes also see: S.G. and E.O.A. Checkland, The Poor Law Report of 1834 (Harmondsworth: Pelican Books, 1974), 107-8. For a first person narrative of a similar scheme that was used in Kent at around the same time see: George Woodcock, (ed.), William Cobbett, Rural Rides (London: Penguin Group Ltd, 1985), p. 174

the payments were stopped because the men were work-shy and did not deserve the money they received from the parish (see Figure 5.1).⁴⁹ Unfortunately, the report contains little background information about the labour scheme that was employed at Bicester, or the kind of allowances that the men were denied. As a result, it is difficult to determine to what extent the payments were subsidised by the poor laws. However, the Webbs note that when similar practices were used elsewhere, other forms of relief were often refused and the principal was generally to “insist upon early hours and attendance during the full working hours”.⁵⁰

Clearly parishes that used work schemes like these were intent on ensuring that paupers were set physically demanding tasks, under close supervision. In this way the paupers not only went home fatigued, but also earned little pay into the bargain.⁵¹ It is argued that these labour schemes had less to do with parishes finding meaningful employment for those that needed it, than reducing the burden that they placed on the poor rates.⁵² Moreover, parallels can be drawn between the practices that overseers of the labour schemes used, with those that were later adopted by the administrators of the New Poor Law.⁵³ As Snell has noted:

When such employment had been offered and rejected, no relief was forthcoming, for many not even in the workhouse. Indeed a labourer would come under the vagrancy

⁴⁹ The Morning Chronicle, (December 17, 1827).

⁵⁰ Webb and Webb, English Local Government, p. 232

⁵¹ Ibid.

⁵² For more on labour schemes and a contemporary account of the how the ‘roundsman’ system was used in Kent, see: Checkland and Checkland, (eds.), The Poor Law Report, p. 104

⁵³ For more on this see chapter three of this thesis. Also see: M.A. Crowther, The Workhouse System 1834-1929: The History of an English Social Institution (London: Batsford Education Ltd, 1981), p. 43 and 198.

OUTRAGE AND RIOT AT BICESTER.

The following narrative of a most outrageous course of proceedings at Bicester, in Oxfordshire, may serve to give an idea of the melancholy effects of the almost universal state of pauperism in which the labouring part of the agricultural population is now placed, and of the sort of *bellum servile* which such a state of things threatens to produce:—

At Bicester, as in most other places, a great many paupers are employed to labour on the roads, under the direction of the overseers, but as they do as little work for their pay as possible, it is the practice to deduct a portion of their weekly allowance on account of time lost in not coming early enough to their labour. On Saturday evening last, Bunce, the foreman of the road, was proceeding to pay the paupers their earnings in the street at Bicester, and to deduct for the lost time, but they insisted on being paid their full allowance; and on his refusal to comply with their demands, some of them kicked up his heels, took away his money, and having paid themselves, threw the empty purse back to him. After this they were joined by a great part of the labouring population of the town, men and women, and set the constables at defiance, so that the offenders could not be taken into custody that night. On Sunday morning they re-assembled at church time, and behaved in a most turbulent way; but Mr. Coker, the magistrate, came with a strong force, and succeeded in lodging six of the delinquents in the cage. The ferment lasted all that day, and on Monday morning it was deemed necessary to swear in 25 special constables, to preserve the peace, and to prevent the rescue of the prisoners.

The culprits, Thomas Horwood, Wm. Elstone, ——— Cross, James Grace, James Hunt, and ——— Eggleton, were examined before the Magistrates—the Rev. Mr. Knipe, and ——— Coker, Esq.—in the course of the morning, and were committed to be tried for the felony committed on Saturday night; but it was with the greatest difficulty, and only with the help of a number of stout men, that they could be put into post-chaises, to be conveyed to Oxford gaol. At night the mob began to break the windows of the house of Mr. Maynard, the Surveyor of the Roads, and manifested so mischievous a disposition, that application was made to the Vestry, then assembled, for assistance. Mr. Paxton, the Chairman, and several others, joined by a great many more respectable inhabitants of the town, then proceeded to aid the constables in dispersing the rioters, who were intimidated by this display of force, and even prevented from doing any serious mischief; but nearly three hundred of the most respectable persons of the town continued to patrol it all the night, so great was the apprehension of vengeance from the threats of the lower orders. Nine more prisoners were taken in the course of the night, three of whom, James Archer, ——— Skinner, and Nathaniel Horwood, were, the next day, committed for trial for the riot. The town has since been tolerably quiet; but it has been thought necessary to establish a regular patrol of ten men, to go round at night to protect the property of the town from the spirit of revenge which their proceedings have engendered.

Figure 5.1: 'Outrage and Riot in Bicester'

The Morning Chronicle, (17 December, 1827).

laws for 'refusing gainful employment' and failing to support his family, giving him one month's hard labour, or placing him on the treadmill of a house of correction.⁵⁴

Several things are clear from these observations. Firstly, that authority figures were in a position to insist that the labouring poor subscribed to the labour schemes. If they refused, they could be denied relief, or worse still, might face criminal sanctions. In this respect there are clear links between poverty and criminality. Of course, one can only hazard a guess at what effect conduct like this had on the morale of the labouring poor, when incidents of this sort were reported across a wide area in the press.⁵⁵

It therefore seems reasonable to suggest that the system of 'less eligibility' which was introduced with the New Poor Law, did not so much represent a break with the past, than a continuation of the authorities using labour and discipline to suppress the able-bodied. However, it might conceivably be argued that after 1834, this objective was achieved more easily because the threat of the workhouse was used as a deterrent.⁵⁶ At the same time it is also apparent that under the New Poor Law, many parishes did not have the resources to tackle widespread poverty, even if they had wanted to. When the labour dispute erupted in Bicester, there were a couple of small workhouses in the town. These had the capacity to house only a small proportion of the local

⁵⁴ Snell, Annals of the Labouring Poor, p. 124.

⁵⁵ For example, reports of abuses suffered by paupers at Bognor surfaced in one of the Medway newspapers in 1830. For more on this see: Rochester Gazette and Weekly Advertiser, (March 23, 1830), p. 1.

⁵⁶ Steven King, Poverty and Welfare in England 1700-1850: A Regional Perspective (Manchester: Manchester University Press, 2000), p. 29.

population, at a time when around a fifth of the town's residents received some form of assistance from the parish.⁵⁷ Clearly, the bulk of assistance in the area was dispensed in the form of outdoor relief.

As the last chapter showed, this situation should have altered when the New Poor Law was introduced. Under the directives of the 1834 Act, unions were only supposed to assist the able-bodied and their dependents inside of the workhouse. A system of hard labour, segregation and strict discipline was introduced, in order to deter all but the most desperate from seeking refuge in these institutions.⁵⁸ The guardians of the newly established Bicester Union responded to the passing of the 1834 New Poor Law, by approving plans for a new workhouse for 350 inmates to be built.⁵⁹ Yet, even after the new building had been erected, the old workhouse in the Market-end of the town remained in use and was still receiving more paupers than its structure allowed for.⁶⁰ In response, the Union continued to provide out-relief to some able-bodied paupers, even though the Poor Law Commission forbade the practice. As a preventative measure the Commission eventually served the union with a Prohibition Order in December of 1844.⁶¹

⁵⁷ It will be remembered that there were around two and half thousand inhabitants living in the two townships of Bicester in 1831. In contrast, the Market End workhouse was designed to house 40 paupers. Details cited from Dunkin, The History and Antiquities of Bicester, p. 27 and Lobel and Dannatt, Bicester: Victoria County History, p. 40. Also see: Abstract of Population Returns of Great Britain, 1831, p. 498. [Document number: 36.259-78: PP.]

⁵⁸ King, Poverty and Welfare, 27-9.

⁵⁹ The new Bicester workhouse opened in October 1836. For more on this see: Lobel and Dannatt, Bicester: Victoria County History and <http://www.workhouses.org.uk/>.

⁶⁰ Population Tables, 1851, Part I. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume I. Report, England and Wales, I-VII; Area and Population, Division III, p. 33. [Document Number: 57. 616-24; PP.]

⁶¹ The orders stated categorically that relief was not to be allowed to the able-bodied poor, unless it was provided inside of the workhouse. For more on this see: Return of Poor Law Unions Prohibiting Out-door Relief to Able-bodied Paupers. [Microfilm number: 44.139; Session 1, 1841; PP] and <http://www.workhouses.org.uk/>.

The philosophy behind the system of 'less eligibility' was that the able-bodied would be forced to look for work if they were denied outdoor relief. Those who were unable or unwilling to do so, had little alternative, but to submit to the harsh regime of the workhouse.⁶² This of course meant that labourers were often coerced into accepting low paid work on uncertain terms.⁶³ Again, it will be noted that this situation was little different to the one that had been in operation during the latter years of the Old Poor Law. In light of Snell's earlier remarks regarding work schemes under the Old Poor Law, one must of course question whether this situation encouraged some individuals to turn to crime to support their makeshift households?⁶⁴

What is beyond doubt, however, is that the New Poor Law had a significant effect on labour relations and the way that the classes regarded each other. For example, it is certainly clear that the hand of the authorities was strengthened by the Act of 1834. Remarks that were made by Mr. John Phillips to the Assistant Poor Law Commissioner in 1836 support this notion. Phillips farmed 400 acres of land in the Bicester Union and his testimony appears in the Commission's second annual report. His observations provide a telling insight into the attitude of some local landowners and for this reason they are worth reproducing at length here. He noted:

It must appear to any person having anything to do with agriculture that the condition of all classes of industrious labourers is improved; the better the labourer the better is his condition; there is no incivility from them now, as there was before the Union, and they are all desirous of keeping a place of work. I think the idle labourer is worse off,

⁶² For more on the rules and regulations imposed on paupers see: King, Poverty and Welfare, 27-9 and 'workhouse life' <http://users.ox.ac.uk/~peter/workhouse/index.html>.

⁶³ Snell, Annals of the Labouring Poor, p. 124.

⁶⁴ Ibid, p.124 and Heather Shore, 'Crime, Criminal Networks and the Survival Strategies of the Poor In Early Eighteenth-Century London', in Steven King and Alannah Tomkins, (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003), 137-65.

as he cannot now run to the parish fund, but must work for his living. In consequence of the labourers wishing to keep their place, I have found that they have not only been latterly more industrious but more skilful, and they do not require half the trouble to look after them, and I have no doubt but that when the Union workhouse is completed so as to receive the whole of the paupers, there will be all through the Union still greater improvement.⁶⁵

It is apparent from the above, that Phillips owned a significant tract of land within the Bicester Union and believed that the 1834 Act offered a number of improvements over the old system of relief. Not least, because of the way it restated social hierarchies and reminded labourers that they were their employers' subordinates. It is evident from Phillips' testimony, that those who failed to accept this state of affairs gained a reputation for being difficult and may have found it harder to secure meaningful employment within the locality where they lived. It seems likely therefore, that landowners felt that they were able to exert greater control over the men that they employed after the introduction of the New Poor Law 1834.

It is also evident that poor law expenditure in Oxfordshire began to decline immediately after 1834. In fact the authorities nearly halved the amount that they spent on maintaining paupers within three years of the new Act being introduced. By 1837 the cost of pauperism across the whole of the county amounted to little more than sixty-four thousand pounds.⁶⁶ Whether these savings were entirely due to the new piece of legislation is open to debate. Certainly the Poor Law Commissioner's report of 1834 suggests that the old system was often wasteful.⁶⁷ However, it is

⁶⁵ The Second Annual Report of the Poor Law Commissioners for England and Wales with Appendixes A. B. C. D., (London: 1836), p. 281 [Appendix B].

⁶⁶ The Third Annual Report of the Poor Law Commissioners for England and Wales with Appendixes A-C, Appendix D. (1837), p. 260. [Document number: 40.232-7; PP.]

⁶⁷ Checkland and Checkland, The Poor Law Report of 1834, *passim*.

also clear that many unions still ran into financial trouble after 1834, because of the way that they interpreted the new Act or dealt with the paupers under their care.⁶⁸ Clearly, there is insufficient space here, to discuss in detail how the Bicester Union managed to see such a dramatic improvement in their finances. What is evident from the above, however, is that the raft of measures that they introduced after the passing of the New Poor Law, actively discouraged many paupers from seeking assistance from the Union.

So, how did the poor living within the bounds of the Ploughley Hundred cope with these changes if they experienced periods of hardship and were denied relief, or were unwilling to enter the workhouse? As the last chapter showed, labouring households in many parts of north Oxfordshire were still able to subsidise their agricultural earnings through the access they enjoyed to common lands at the turn of the nineteenth century.⁶⁹ Some households were said to have earned as much as twenty pounds a year from grazing geese on the 4,000 acres of wetlands at Otmoor.⁷⁰ Clearly, resources like this gave the labouring poor a degree of independence and helped to buffer them from the worst effects of economic depression. This perhaps explains why the process of enclosure was opposed by so many sections of the labouring population in the Otmoor area.⁷¹

⁶⁸ King, Poverty and Welfare, p. 47.

⁶⁹ Young, A View of the Agriculture of Oxfordshire, 87-95.

⁷⁰ Hammond and Hammond, The Village Labourer, p. 64.

⁷¹ For example, saplings were torn down when the Market-end of Bicester was enclosed in the second half of the eighteenth century. Similar problems arose when land was enclosed at Stanton St. John and Bampton in 1777. See: Frank Emery, The Making of the English Landscape: The Oxfordshire Landscape (London: Hodder and Staughton, 1974), p. 132. The opposition that the enclosure of Otmoor received from all sections of the community was examined in detail elsewhere in the last chapter of this thesis. However, for the purpose of the study being carried out in this chapter, it is worth noting that more than 1,000 men, women and children turned out onto the moor to protest in September 1830. Hammond and Hammond, The Village Labourer, p. 70.

It is apparent that when the poor lost their rights to common land, their households were placed under considerable pressure.⁷² However, as we have already seen, it is not easy to establish a link between poverty and crime.⁷³ Undoubtedly, it would be wrong to suggest that offences like poaching were solely motivated by poverty. Clive Emsley for example, has shown how poaching gangs prospered from the growth of the wildfowl market in the second half of the eighteenth century.⁷⁴ Frequent mention of the activities of poachers can be found in newspapers throughout the early part of the nineteenth century.⁷⁵ Yet, it is still difficult to accurately gauge the true scope of the crime. D.J.V. Jones, for example draws attention to the fact that uneven record coverage hinders studies of poaching.⁷⁶ Two articles that were published in Jackson's Oxford Journal during the 1820s, highlights some of the difficulties that are associated with inconsistent press reporting of poaching incidents.⁷⁷ The first example, simply notes that two men were convicted at the Oxfordshire County Sessions on Tuesday 11th January 1820, for night poaching at Chesterton.⁷⁸ Clearly, there is nothing in this article to connect poaching to rural poverty.

An advertisement that appeared in the same paper in August 1822, however, suggests that poachers and gleaners were a persistent problem for landowners in the Ploughley Hundred around this time. It was placed by the owner of Stoke Lyne woods who offered a reward of ten pounds for information about gleaners and poachers who trespassed on his land. It is evident from the advert

⁷² King, Poverty and Welfare, p. 37.

⁷³ King, Crime, Justice, and Discretion, p. 148-9.

⁷⁴ Emsley, Crime and Society, p. 4.

⁷⁵ See for example, an account of the evidence which was submitted to a select committee on the market in game and poaching which appeared in an Oxfordshire Newspaper. See: Jackson's Oxford Journal, (May 17, 1823).

⁷⁶ D.J.V. Jones, 'The Poacher: A Study in Victorian Crime and Protest', The Historical Journal, Vol. 22, No. 4 (1979), p. 829.

⁷⁷ *Ibid*, p. 829.

⁷⁸ Jackson's Oxford Journal, (January 15, 1820).

that the landowner had experienced problems with poachers for several years.⁷⁹ The value of the reward, also suggests that the landowner realised that he would have to offer a sizeable inducement to gain the cooperation of the local community. It is suggested therefore that advertisements of this sort can also be regarded as evidence of rural communities sanctioning and protecting criminals.⁸⁰ To all outward appearances, this behaviour exhibits many of the signs of a 'moral economy' at work.⁸¹ Jones has suggested that social pressures might have blurred the true extent of poaching. He explains that landowners were often reluctant to prosecute because they feared reprisals and many preferred to deal with poachers more informally by extracting confessions and promises, or by issuing cautions.⁸²

In spite of the difficulties outlined above, there is little doubt from the available statistical data, that poachers and gleaners were a problem for landowners in many parts of Oxfordshire during the first quarter of the nineteenth century. For instance, committal registers show that there was an upward trend in the number of convictions for offences relating to the Game Laws between 1815 and 1820. During this period, the number of commitments rose by more than forty percent, to more than fifty per annum.⁸³ However, the next decade saw a sharp decline in the number of committals on the Oxford Circuit. By 1827, only seven males were imprisoned for offences under the Game Laws, a figure that was little more than thirteen percent of the total number of committals for 1820.⁸⁴ However, the 1830s and 1840s saw an upward trend in the number of poaching

⁷⁹ Jackson's Oxford Journal, (August 24, 1822) and Jackson's Oxford Journal, (August 31, 1822).

⁸⁰ Tim Shakesheff, Rural Conflict, Crime and Protest Herefordshire 1800-1860 (Woodbridge: Boydell Press, 2003), p. 91.

⁸¹ For more on this see chapter three of this thesis and E.P. Thompson, Customs in Common (London: Penguin Books Ltd, 1993), 185-258.

⁸² Jones, 'The Poacher', p. 829.

⁸³ An Account of Commitments and Convictions under Game Laws in England 1815-21, p. 1. [Microfilm number: 24.167; Session; 1822; PP.]

⁸⁴ Figures arrived at by comparing Ibid with Account of Number of Convictions under the Game Laws, 1820-26, p. 1-9. [Microfilm number: 29.158; Session 1826-7; PP.]

incidents that were brought before the courts.⁸⁵ Jones offers several explanations for these high and low points. Firstly, he notes that amendments to the Game Laws offered land owners greater protection from poachers through a graduated system of harsh penalties.⁸⁶ These included fines and lengthy terms of imprisonment.⁸⁷ However, he observes that in the face of growing distress in the late 1820s, some landowners were reluctant to prosecute poachers because they were fearful of reprisals from within rural communities. To support this argument he notes that 'people who ignored such threats and sent poachers to gaol sometimes had their cattle maimed and property destroyed'.⁸⁸ To explain the increase, Jones notes that:

Judges placed much of the blame for increases in poaching in the 1830s and 1840s on the Beerhouse and Game Acts of 1830-1...The commitment and capability of the police also varied markedly in rural areas. Criticisms were made of the new police and keepers for dignifying a host of trifling incidents by bringing them to the attention of the courts.⁸⁹

Chapters six and seven will look in more detail at the effect that policing had on criminality. However, it is clear that the reforms which Emsley and Jones refer to were not wholly responsible

⁸⁵ Jones, 'The Poacher', p. 830.

⁸⁶ A similar perspective was shared by Clive Emsley. For more on this see: Jones, 'The Poacher', p. 830 and Emsley, Crime and Society, 21-2 and 82.

⁸⁷ Bill to Amend Laws for Preservation of Game as amended by Committee, p. 7. [Microfilm number: 27.14; Session; 1825; PP] and Jones, 'The Poacher', *passim*.

⁸⁸ Again, these comments suggest that something akin to a 'moral economy' was in operation in these areas. For more on this see: Jones, 'The Poacher', p. 829 and Thompson, Customs in Common, 185-258.

⁸⁹ Jones, 'The Poacher', p. 829.

for the increase in poaching, because the upward trend started before 1831. Instead, forty eight individuals were convicted of offences against game in Oxfordshire during 1829. This number represents an increase of more than fifty per cent on the number of men who were convicted of poaching only two years earlier.⁹⁰ There is little doubt that this period coincided with escalating distress in many southern counties.⁹¹ Therefore, it is likely that poverty was responsible for the increase in incidents of poaching. Yet the rise in convictions for offences under the Game Laws is at odds with Jones' suggestion that landowners hesitated to prosecute poachers.⁹² For Oxfordshire at least, it seems that many were unsympathetic to the plight of the poor. For instance, a total of 387 men were sentenced under the Game Laws in Oxfordshire, between November 1833 and January 1836.⁹³

Of course it should be recognised that these men may have spent a considerable amount of time in gaol, while they awaited trial. Up to three months could elapse before a defendant appeared in court. The time-frame depended on how soon the individual was arrested to the date of the next available Session or Assize.⁹⁴ Even if allowances are made for these delays, however, it is still clear from the above figures, that the majority of poaching activity in Oxfordshire occurred during the late autumn and winter months, when agricultural work was harder to come by.⁹⁵

⁹⁰ Account of Number of Convictions under Game Laws, 1827-30, p. 12. [Microfilm number: 33.72-3; Session 1830-1; PP.]

⁹¹ Hobsbawm and Rudé, 'Captain Swing', *passim* and George R. Boyer, 'The Old Poor Law and the Agricultural Labor Market in Southern England: An Empirical Analysis', The Journal of Economic History, Vol. 46, No. 1 (1986), 113-35.

⁹² Jones, 'The Poacher', p. 829.

⁹³ Return of Number of Commitments under Game Laws in England and Wales, 1833-36, 65-70. [Microfilm number: 39.314-5; Session 1836; PP.]

⁹⁴ Phillips, Crime and Authority, p. 98.

⁹⁵ Return of Number of Commitments under Game Laws in England and Wales, 1833-36, 65-70. [Microfilm number: 39.314-5; Session 1836; PP] and Emsley, Crime and Society, p. 40.

Emsley suggests that seasonal rises in indictments were not unusual.⁹⁶ However, his claim that indictments also peaked during the summer months, when employment was more widely available, is not really substantiated by the poaching figures for Oxfordshire.⁹⁷ One hundred and twenty five men received prison sentences of up to six months between October 1834 and the beginning of March 1835.⁹⁸ In contrast, only nineteen men were imprisoned for the same offence in the four months between May and the end of August 1834. A year later, there were still five and a half times more convictions for poaching during the winter months than the summertime.⁹⁹ Again, this suggests that indictments for poaching had less to do with the timing of court sessions, than whether labour markets were healthy and work was available. During the 1840s, changes were made to the way poachers were processed by the criminal justice system. Instead of them being prosecuted in county towns, they were increasingly tried summarily before magistrates, in local petty sessions.¹⁰⁰ Government returns show that twenty four men were convicted of poaching in the Ploughley Hundred between 1846 and 1849. Unfortunately, they give no indication of what proportion of the total number of cases that went before the court this figure represents. Nor do they provide a seasonal breakdown of when the offences were committed.¹⁰¹

⁹⁶ Emsley, Crime and Society, p. 40.

⁹⁷ It has to be noted, however, that Emsley was looking at a wider range of offences. These included the theft of corn and property offences at fairs, during the late summer and autumn months. Emsley's study suggests that these offences were mostly committed by 'mobile workers'. For more on this see: *Ibid*, p. 40.

⁹⁸ Return of Number of Commitments under Game Laws in England and Wales, 1833-36, p. 66-70. [Microfilm number: 39.314-5; Session 1836; PP.]

⁹⁹ *Ibid*.

¹⁰⁰ Bill to Authorize Summary Conviction of Juvenile Offenders in Cases of Larceny and Misdemeanor, and to Provide Places for Holding Petty Sessions of Peace. [Microfilm number: 43.17; Session 1840; PP.]

¹⁰¹ Abstract Return of Persons convicted of Offences against Game Laws at Petty Sessions, Quarter Sessions and Assizes, in England and Wales, May 1846-August 1848; Inquests on Persons Killed in

In spite of these setbacks, a number of things are clear. Firstly, that the Ploughley Hundred returned the third highest number of convictions of the seven petty session divisions in Oxfordshire. The figure in fact represents about eight and a half percent of the total number of poaching convictions in the county.¹⁰² Only two of the convicted men lived in the market town of Bicester. The remainder came from villages in outlying districts situated within the Ploughley Hundred. This suggests that poaching was predominantly a rural crime in this part of Oxfordshire. It is also worth noting that upon conviction, all of the men received fines. However, only one individual paid the amount that was owed. The rest all served terms in prison ranging from a few weeks, to up to three months.¹⁰³ Whether this was because they preferred to serve out their time in gaol rather than to make the payment that was demanded of them is open to speculation. Of course, it is also possible that these individuals were unable to afford their fines because they were too poor. This proposition will be explored in more detail shortly.

As useful as the above records are for shedding light on poaching in Oxfordshire, it is clear that they offer an incomplete picture of the offence, since they make no allowance for reporting errors, or give any indication of how many offenders went undetected, or those that were dealt with more informally by the authorities. As a result, it is likely that they only represent the tip of the iceberg.¹⁰⁴ More importantly, they hold almost no information about what motivated these particular individuals to offend. Information of this sort, however, can be gleaned from other types of documents. For instance, when a Bedfordshire magistrate was questioned by a Select Committee

Affrays between Gamekeepers and Poachers, November 1832-1848, p. 70. [Microfilm number: 53.333-4; Session 1849; PP.]

¹⁰² Figure of 8.5% arrived at by dividing the number of convictions for the Ploughley Hundred into the total number of convictions for the whole of Oxfordshire and multiplying by 100. For more on this see: Ibid, p. 70 and 111.

¹⁰³ Ibid.

¹⁰⁴ Jones, The Poacher, p. 829 and Emsley, Crime and Society, p. 22.

about rural poverty, he suggested that low wages may have encouraged some rural labourers to poach. The Reverend Philip Hunt noted:

I conceive the evil to flow originally from the very low rate at which the labour of an able-bodied single man has of late years been estimated; he cannot lay by any money against the time he may wish to marry; he can scarcely indulge any temporary gratification without having recourse to other means than labour; and in counties where game preserves are very numerous, the resource of poaching immediately presents itself to him.¹⁰⁵

It is apparent from these remarks that Hunt believed that low agricultural wages were responsible for many incidents of poaching among the lower classes.¹⁰⁶ What is particularly interesting about this viewpoint is that similar sentiments were expressed by a senior poor law official more than a decade later. In his capacity as an Assistant Poor Law Commissioner, Edward Gulson visited more than three hundred and fifty parishes in Oxfordshire and Berkshire. In his submission to the poor law authorities he noted:

¹⁰⁵ Select Committee on Practice of Paying Wages of Labour out of Poor Rates: Report, Minutes of Evidence, p. 35. [Microfilm number: 26.40; Session 1824; PP.]

¹⁰⁶ Similar sentiments were expressed by Daniel Bishop, one of the principal officers of Bow-Street who gave evidence before a Select Committee on the Game Laws in 1823. For more on this see: Report from the Select Committee on the Laws Relating to Game, Minutes of Evidence, p. 32. [Microfilm number: 25.28; Session 1823; PP.]

In many parishes, as at North Leigh, no single man was employed; each had 2s. 6d. given him on Monday morning, with which he was "to do the best he could for himself" for the week; that is to say, eke out his means by stealing or poaching.¹⁰⁷

Gulson's remarks imply that poor law officials in North Leigh regularly turned a blind eye when poachers were active in the area. However, once again it is apparent that severe penalties were meted out to those who were apprehended. The Rev. Philip Hunt for example, noted that it was not unusual for poachers to be imprisoned for three months, if they were caught and were unable to pay their fines.¹⁰⁸ Twelve of the thirteen men, who were confined in Oxford Gaol during the second half of 1831, were sentenced during the last quarter of the year, when agricultural work was more difficult to secure.¹⁰⁹ Similarly, ninety five percent of the men who were convicted in the Ploughley Hundred between 1846 and 1849 served terms in prison. Once again the terms that they served ranged from several weeks to up to three months.¹¹⁰ Given how strict prison regimes were at this

¹⁰⁷ First Annual report of the Poor Law Commissioners for England and Wales. Poor Law Commissioners First Annual Report, Appendix, 113-4. [Microfilm number: 38.287-90; Session 1835; PP.]

¹⁰⁸ Select Committee on Practice of Paying Wages of Labour out of Poor Rates: Report, Minutes of Evidence, p. 35. [Microfilm number: 26.40; Session 1824; PP.]

¹⁰⁹ Snell, Annals of the Labouring Poor, 15-66. Details for committals extracted from: Return of Number of Persons confined in Great Britain and Ireland for Offences against Game Laws, p. 17. [Microfilm number: 35.268; Session 1831-2; PP.]

¹¹⁰ Abstract Return of Persons convicted of Offences against Game Laws at Petty Sessions, Quarter Sessions and Assizes, in England and Wales, May 1846-August 1848; Inquests on Persons Killed in Affrays between Gamekeepers and Poachers, November 1832-1848. [Microfilm number: 53.333-4; Session 1849; PP.]

time, it seems unlikely that all these men gave up their liberty for any other reason than they did not have the means to pay their fines.¹¹¹

As convincing as these arguments are, it is apparent from the above, that many nineteenth century sources hold insufficient information about poaching to allow historians to say conclusively whether their crimes resulted from poverty. This task is made more difficult because poorer communities did not really consider it a serious offence until the second half of the nineteenth century. In fact, Emsley suggests that it was not until the 1860s, that attitudes towards poaching began to change as a result of legislative reforms.¹¹² On the surface, this argument appears to further undermine attempts to link the offence to poverty. The sparseness of the records clearly makes it difficult to separate incidents of poaching that resulted from sheer necessity, from those that were driven by greed, opportunism, or examples of the labouring communities reasserting their rights over common land.¹¹³

However, a more complete picture about the relationship between crime and poverty begins to emerge if the scope of our inquiry is extended to include cases where both game and livestock were targeted by thieves. Parliamentary returns for example, suggest that sheep were stolen on a fairly regular basis in England and Wales throughout the 1830s. More than a thousand individuals were committed for trial for this particular offence between 1838 and 1840. During this period, incidents of sheep stealing increased by around sixteen per cent.¹¹⁴ The figures are no less remarkable at a local level. Sixty-six individuals were tried at the Lent Assizes in Oxford in February 1833. Nearly a third of this total was charged with offences against the Game Laws, or

¹¹¹ Randall McGowen, 'The Well-Ordered Prison England, 1780-1865', in Norval Morris and David J. Rothman (eds.), The Oxford History of the Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), 71-99.

¹¹² Emsley, Crime and Society, p. 82.

¹¹³ Jones, 'The Poacher', p. 826.

¹¹⁴ Abstract of Aggregate Number of Criminal Offenders in England, Scotland and Ireland, 1838-1840, p. 345. [Microfilm number: 44.116; session 1841, 1; PP.]

for stealing livestock or fowl. Six men were accused of stealing sheep, with one exception where the quarry was a single animal.¹¹⁵ Similarly, seventy two people stood trial at the Lent Assizes on the 28th February 1839. Again, sixteen of this number was charged with Game offences or for the theft of livestock.¹¹⁶

Timothy Shakesheff has observed that sheep stealing was a crime that frequently coincided with years of hardship. Moreover, he noted that the majority of sheep thieves who appeared at the Hereford Assizes between 1800 and 1832 were charged with stealing just one animal. Although he accepted that sheep were valuable beasts, he reasoned that personal consumption was generally the motivating factor. To support this claim, Shakesheff noted that it was not unusual for as many as five individuals to be indicted for the theft of a single sheep. He estimated that a group of this size would only profit to the sum of eight or nine shillings each, if the animal was sold onto the open market. Shakesheff doubted whether many would have risked committing a capital offence for such a small amount, unless they were driven by necessity.¹¹⁷ It is noticeable, however, that there was a steep decline in sheep stealing in England and Wales during the second half of the nineteenth century. Government returns show that the number of recorded offences that the authorities dealt with dwindled to less than sixty, from a high of two hundred and sixty nine, between 1850 and

¹¹⁵ Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835 (Oxfordshire: Black Sheep Publications, 2005), 21-3.

¹¹⁶ Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1836-1839 (Oxfordshire: Black Sheep Publications, 2005), 46-9.

¹¹⁷ It is also clear from Shakesheff's study that seasonal fluctuations occurred in the number of cases that were brought before the courts in Herefordshire. He observes that the highest proportion of committals for sheep stealing occurred during the late autumn and spring when employment was less available. Details cited from Shakesheff, Rural Conflict, Crime and Protest Herefordshire, 87-9.

1880.¹¹⁸ The reasons for this fall are not altogether clear. It might be that legislative reforms, changing land use, livestock prices or more efficient policing all played their part.¹¹⁹ What is apparent, however, is that space restrictions make it impossible for the present study to explore this conundrum in more detail.

It is clear nonetheless, that tracking changes in criminal behaviour over time is made more difficult by the variety of reporting methods that were used by administrators throughout the nineteenth century. For instance, statistical reports often grouped offences together under sub-headings. Reports that were published during the 1850s and 1860s for example, categorised larceny in four ways.¹²⁰ Of course, high level reports of this sort were never intended to provide a detailed breakdown of individual offences. Even so, where other documentary evidence is not available, it is difficult for historians to offer more than a snapshot of how social conditions affected criminality in a particular location at a given time.¹²¹ In spite of this problem, more localised records for Oxfordshire suggest that hardship was a factor behind many instances of theft during the 1830s. Evidence to support this claim can be seen in the way that foodstuffs as well as livestock, were also regularly targeted by thieves in Oxfordshire. For example, twelve individuals were charged with

¹¹⁸ Conclusion arrived at by comparing: Return of Judicial Statistics of England and Wales, 1859, p. 54. [Microfilm number: 66.515-7; Session 1860; PP], with Return of Judicial Statistics of England and Wales, 1880, p. 52. [Microfilm number: 87.828-30; Session 1881; PP.]

¹¹⁹ Emsley, Crime and Society, 40-1 and Edith H. Whetham, 'Livestock Prices in Britain, 1851-93', The Agricultural History Review, Volume 11, Part 1 (1963), *passim*.

¹²⁰ The different categories were: 'Larceny to the value of £5, in Dwelling-houses; Larceny from the person; Larceny by Servants; Larceny, Simple'. For more on this see: Return of Judicial Statistics of England and Wales, 1859 p. 54. [Microfilm number: 66.515-7; Session 1860; PP], and Return of Judicial Statistics of England and Wales, 1870, p. 52. [Microfilm, number: 77.590-2; Session 1871; PP.]

¹²¹ King, Crime, Justice, and Discretion, 7-9 and 148.

stealing food items at the Lent Assizes in Oxford in February 1833. In all, more than half of the cases that were heard at these sessions related to the theft of livestock or foodstuffs.¹²²

Similarly, more than a quarter of the ninety two individuals who appeared at the Lent Assizes on 5th March 1835, were accused of the taking game, livestock or items of food.¹²³ Joseph Fungle, William Cherry and Thomas Carwood were charged with stealing and carrying away a 'fat sheep' belonging to Joseph Roberts of Waterperry. The three men, who were aged between seventeen and twenty three, were found guilty and were sentenced to transportation for life.¹²⁴ During the same sessions, John Wheeler, Robert Cowley and Henry Cowley were charged with unlawfully and maliciously killing eight sheep and stealing part of the carcass of a hog sheep. The two older men, Wheeler and Robert Cowley were sentenced to transportation for life. Another man by the name of John Cowley, whose age suggests he was Robert and Henry's older relation, was imprisoned for six months for receiving the carcass although he knew it to be stolen.¹²⁵ Of course it is possible that all of the men were simply motivated by profit. However, this would suggest that they showed an utter disregard for the law and given the severity of the sentences that they received, they were it seems extremely naive about their chances of being caught and punished. An alternative explanation is offered by Shakesheff. He suggested it was not unusual to find relations

¹²² A similar pattern is evident in the Calendar of Prisoners for the Lent Assizes 1839. Twenty five of the seventy nine individual who were tried on the 28th February were accused of offences relating to the theft of game, animals or items of food. For more on this see: Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, 21-3 and Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1836-1839, 46-9 and 51-3.

¹²³ Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, 43-7.

¹²⁴ *Ibid*, p. 43.

¹²⁵ *Ibid*.

implicated in offences involving the theft of animals and once again used this as evidence of a crime that was often motivated by hunger.¹²⁶

Of course, it is not possible to construct a complete picture of how industrial change affected labouring households from the example of one labouring family. Even so, it is clear that incidents of food and livestock theft usually decreased during the summer months, when employment opportunities in Oxfordshire improved. Only six of the twenty three men who were prosecuted at the Summer Assizes in 1833 were accused of stealing animals or food items and only four cases of this kind were heard at the Summer Assizes in 1836.¹²⁷ Once again, this represents only a small percentage of the thirty one prosecutions which took place a couple of weeks later on the 13th July.¹²⁸

Two of the men, Richard Hartall and Thomas Neal were accused of stealing a large piece of bacon from the dwelling house of Richard Gould. However, it is likely that a degree of opportunism played its part in this theft, since the men were also charged with stealing cutlery and silverware at the same time.¹²⁹ In spite of this it is apparent that some of the trends identified above still existed in the summer months. At the sessions held in 1833, for example, Richard Beckett was convicted of stealing a single fowl, whilst four men who were charged with food theft shared the

¹²⁶ Shakesheff, Rural Conflict, Crime and Protest, p. 89.

¹²⁷ Similarly, only four of the thirty seven individuals who were prosecuted three years later at the Trinity Quarter Session held on the 1st July 1839, were accused of stealing food items. For more on this see: Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, p. 26.

¹²⁸ In a similar fashion, only four of the thirty seven individuals who were prosecuted three years later at the Trinity Quarter Session held on the 1st July 1839, were accused of stealing food items. Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, 11-2 and Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1836-1839, 51-3.

¹²⁹ Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, p. 11.

same surname.¹³⁰ Moreover, there are signs that this pattern continued; later records show that property offences often rose during years of extreme hardship.¹³¹ In 1848, Government statisticians suggested that there had been an aggregate rise of around 8.3% in the number of commitments for non-violent offences against property, in eight agricultural counties in the south of England between 1846 and 1847. They also noted that sheep stealing, which was included in this category, was largely responsible for the increase.¹³² Although there was quite a dramatic decline in this particular offence between 1843 and 1847, overall, the number of people who were committed for trial or bailed for stealing sheep in 1839 and 1848 were remarkably similar.¹³³ The statistical evidence for the 'hungry forties' seems to suggest that rising crime, high food prices and unemployment were in some way linked.¹³⁴ The next section will look at whether similar connections can be made for Kent during the first half of the nineteenth century.

Kent 1830-1850

Between 1801 and 1851 the population in Kent increased by over two hundred and twenty thousand.¹³⁵ Much of this growth occurred in and around the main towns situated in the Medway Valley. The number of inhabitants living in the borough of Maidstone for instance, increased from

¹³⁰ Ibid, p. 26.

¹³¹ King, Crime, Justice, and Discretion, 148-149.

¹³² Tables of Number of Criminal Offenders in England and Wales 1848, 5-6. [Microfilm number: 53.330-1; Session 1849; PP].

¹³³ Nationally, 324 individuals were committed for trial or bailed for sheep-stealing in 1839. Similarly, 316 individuals were committed for trial or bailed for sheep-stealing in 1848. Tables of Number of Criminal Offenders in England and Wales 1848, p.64. [Microfilm number: 53.330-1; Session 1849; PP.]

¹³⁴ Emsley, Crime and Society, 40-1.

¹³⁵ Tables of Population and Houses in Divisions, Registration Counties and Districts of England and Wales and Scotland, and Islands in British Seas, 1851, table VII, p 12. [Microfilm number: 55.362-3; PP.]

about sixteen thousand to more than forty-four thousand during the first five decades of the nineteenth century.¹³⁶ As chapter three showed, large scale manufacturing in the region was mostly confined to the dockyard at Chatham and the paper mills located in and around the county town of Maidstone. Both of these industries, however, required a relatively small and skilled workforce.¹³⁷ For example, the figures show that only seven hundred and thirty men above the age of twenty worked in the region's booming paper industry.¹³⁸ It is argued therefore, that the majority of the poor earned their livelihoods from agriculture, or unskilled occupations like labouring.¹³⁹

It is also apparent that many rural communities in the region were placed under considerable pressure by the changes that had occurred in the agrarian economy during the first half of the century. Evidence of this can be seen in several ways from contemporary sources. In the late 1820s, William Cobbett for instance, commented on the number of labourers he found repairing roads in Kent. In doing so, he suggested that the agrarian labour market was already overstocked.¹⁴⁰ Newspaper articles of the period also drew attention to the poor state of farming in the county. On the 8th June 1830, the Rochester Gazette reported that churchwardens and overseers from several parishes had assembled at the *Bull Inn* at Maidstone to discuss what was to be done about distress among the labouring poor. The officers agreed to carry out a detailed investigation into the true extent of poverty in the region and Sir Edward Knatchbull, the local M.P. and magistrate, promised to lobby government ministers for support in dealing with the problem.¹⁴¹ Evidence to suggest both parties met their obligations can be seen in the minutes of a parliamentary

¹³⁶ William Page (ed.), The Victoria History Of The County Of Kent (London: St. Catherine Press, 1932), p. 370.

¹³⁷ James Preston, 'ii 1800-1914' in Alan Armstrong, (ed), The Economy of Kent 1640-1914, 110-23.

¹³⁸ Population Tables, 1851, Part II. Ages and Occupations. Volume I. Report, England and Wales, I-VI., Appendix, 255-66. [Microfilm number: 57.636-45; PP.]

¹³⁹ Ibid.

¹⁴⁰ George Woodcock, (ed.), William Cobbett, Rural Rides, *passim*.

¹⁴¹ Rochester Gazette and Weekly Advertiser, (June 8, 1830), p. 4.

debate which was published five months later in the same paper. Clearly, Knatchbull was sympathetic to the plight of the poor. In summarising their difficulties he suggested that it was his belief that low wages and distress were behind the many incidents of public disorder that occurred in Kent during the early 1830s.¹⁴²

Throughout this decade, a number of select committees were set up to inquire into the state of agriculture. Their findings suggest that many regions continued to experience problems with poverty long after the uprisings. On the 7th March 1836, Richard Hoare Dowling was called to give evidence on agricultural affairs in Kent. As well as working as a corn-factor and miller, Dowling farmed around 400 acres of land at Bexley in the northern part of the county. He was asked about these different roles and in his reply indicated that they gave him a unique insight into agriculture in the region. His testimony suggests that a great number of farmers in his neighbourhood had fallen into debt and had experienced difficulties because imported foreign grains had depressed the price of corn and wheat. During the course of the interview, Dowling admitted that his own finances had suffered in this way because corn prices had grown too cheap.¹⁴³

Much of his testimony focuses on how farmers were affected by commodity prices. However, it is also clear from his observations, that the fortunes of labouring households were closely linked to the circumstances of their employers. One example of this can be seen in an argument Dowling put forward regarding the tax on malt. He noted that farmers were less able to afford the customary practice of allowing agricultural labourers free beer. To support his claim, he noted that a few miles to the south of his farm, 'the farming man seldom gets beer-the honest industrious man-from the harvest-time till the next hay-time again'.¹⁴⁴ He also suggested that labourers in the countryside had not seen much benefit from cheaper grain prices. Instead, he

¹⁴² Ibid, (November 9, 1830), p. 3.

¹⁴³ Select Committee of House of Lords on State of Agriculture in England and Wales (1836. Report, Minutes of Evidence, Appendix, Index, 146-54. [Microfilm number: 40.3-6; PP.]

¹⁴⁴ Ibid, 153-4.

argued that it was only those who were in full employment who had profited in any way from the drop in commodity prices.¹⁴⁵ However, as chapter three and four of this thesis showed, few agricultural labourers in southern England enjoyed this luxury.¹⁴⁶

Criminal statistics for this period suggest that there was some connection between the parlous state of the economy and the increase that occurred in criminal indictments. Evidence of this can be seen in a number of ways. Firstly, that the number of individuals who were committed for trial in England and Wales between 1824 and 1830, increased by around thirty three percent, from just over thirteen thousand to over eighteen thousand per year.¹⁴⁷ Moreover, by the time that Hoare Dowling was called to give evidence before the Select Committee some six years later, nearly twenty one thousand individuals were being processed by the courts (see Figure 5.2.).¹⁴⁸ Again this amounted to a rise of nearly sixteen percent on the 1830 figure.¹⁴⁹ At a more local level, there were an average of six hundred and twenty five prosecutions in Kent every year between 1824

¹⁴⁵ Ibid, p. 153.

¹⁴⁶ For more on this also see: E.L. Jones, 'The Agricultural Labour Market in England, 1793-1872', The Economic History Review, Vol. 17, No. 2 (1964), p. 324.

¹⁴⁷ Figures arrived at by dividing the differences between the number of commitments for 1824 and 1830 into the number of commitments for 1824 and multiplying by 100. Summary Statements of Number of Persons charged with Criminal Offences in England and Wales, 1824-30, p. 3. [Microfilm number: 33.72; Session 1830-1; PP.]

¹⁴⁸ Tables of Number of Criminal Offenders in England and Wales, 1838, p. 1. [Microfilm number: 42.260-261; Session 1839; PP] and Select Committee of House of Lords on State of Agriculture in England and Wales (1836) Report, Minutes of Evidence, Appendix, Index, 153-4. [Microfilm number: 40.3-6; PP.]

¹⁴⁹ Figure arrived at, by dividing the difference between the number of commitments for 1830 and 1836 into the number of commitments for 1830 and multiplying by 100. Summary Statements of Number of Persons charged with Criminal Offences in England and Wales, 1824-30, p. 3. [Microfilm number: 33.72; Session 1830-1; PP] and Tables of Number of Criminal Offenders in England and Wales, 1838, p. 1. [Microfilm number: 42.260-1; Session 1839; PP.]

and 1830. However, this period of relative stability appears to have come to an end in 1829, when the number of indictments increased quite dramatically by around ten percent on the 1820 figure.¹⁵⁰

Although a number of reforms were made to the legislative system during the 1830s, it should also be noted that it was around this period that poverty began to occupy an increasing amount of the authorities' time across the whole of Kent.¹⁵¹ Throughout the 1830s, the number of people committed for trial in the county continued to rise. By 1838, more than a thousand individuals appeared in courts across the whole of the Kent (see Figure 5.3). In contrast, the number of criminal indictments in Oxfordshire was consistently below the three hundred mark for each of the years between 1834 and 1838 (see Figure 5.4).¹⁵² A closer examination of the figures also reveals some remarkable trends in the offences that were committed in the two counties. In Kent, more than seventy seven percent of all of those who were charged with committing a criminal offence in 1838 were accused of larceny without violence. Animal theft, which was included in this category, represented only a small proportion of the overall percentage.¹⁵³ Similarly, in Oxfordshire, the vast majority of offences had some relationship to simple larceny without violence. Again, animal theft appears to have accounted for only a small percentage of the total number of offences that were brought to the attention of the authorities.¹⁵⁴

¹⁵⁰ Summary Statements of Number of Persons charged with Criminal Offences in England and Wales, 1824-30, p. 3. [Microfilm number: 33.72; Session 1830-1; PP.]

¹⁵¹ For a detailed breakdown of the legislative reforms introduced during the 1820s see: David Phillips, Crime and Authority in Victorian England, 298-300. For poverty in Kent, see: Hobsbawm and Rudé, Captain Swing, 73-5.

¹⁵² Tables of Number of Criminal Offenders in England and Wales, 1838, p. 117. [Microfilm number: 42.260-1; Session 1839; PP.]

¹⁵³ Ibid.

¹⁵⁴ In fact only seven of the two hundred and twenty indictments related to the theft of sheep. For more on this see: Tables of Number of Criminal Offenders in England and Wales, 1838, p. 118. [Microfilm number: 42.260-1; Session 1839; PP.]



Figure 5.2: Number of Persons Sent for Trial in England and Wales 1824-1838.¹⁵⁵

¹⁵⁵ Figures for table extracted from: Summary Statement of Number of Persons Charged with Criminal Offences in England and Wales, 1824-1834, p. 2. [Microfilm number: 33.72; Session 1835; PP] and Statement of Comparative Number of Criminal Offenders committed for Trial in England and Wales, 1828-1834, p. 2. [Microfilm number: 38.358; Session 1935; PP] and Tables of Criminal Offenders in England and Wales 1838, p. 117. [Microfilm number; 42.260-1; Session 1839; PP.]

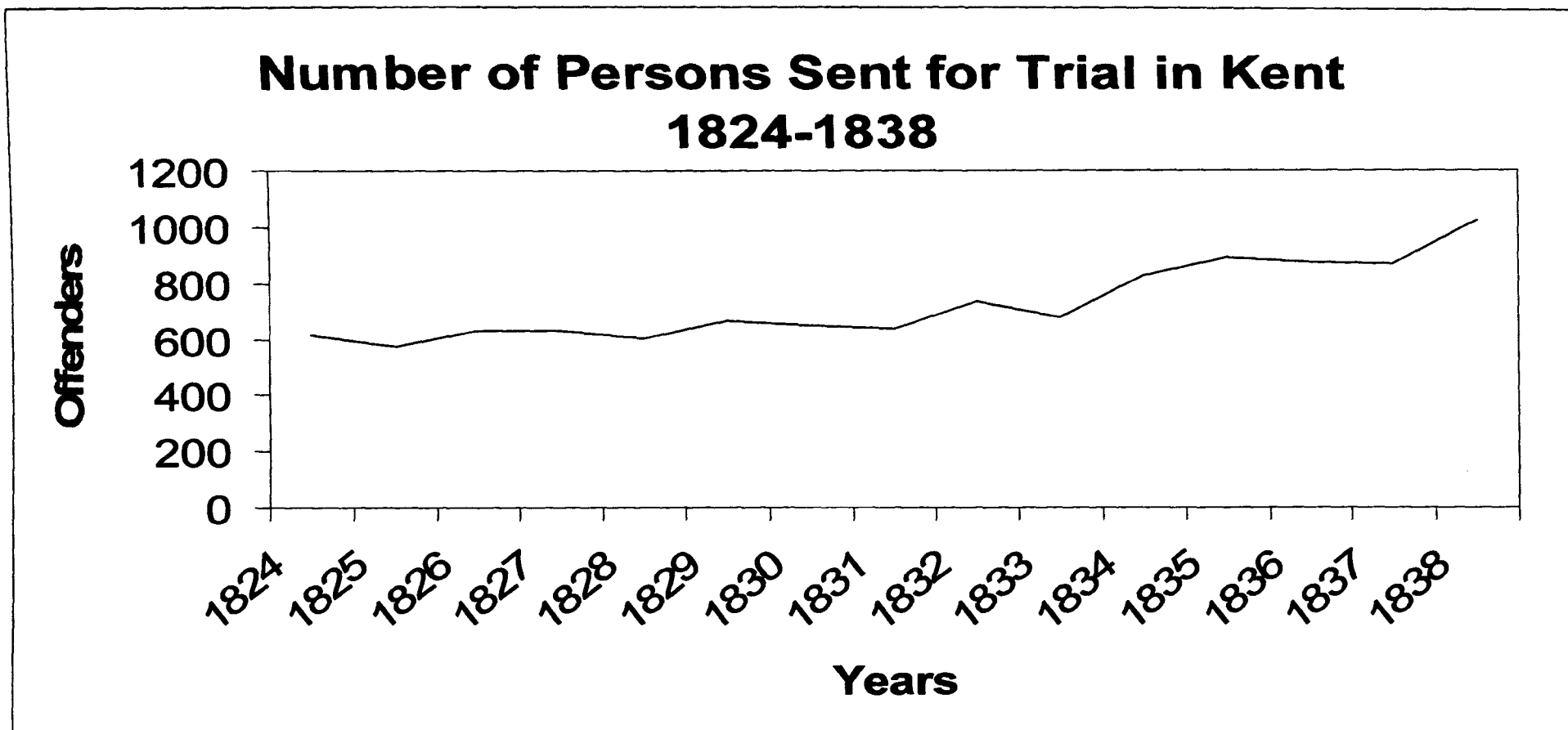


Figure 5.3: Number of Persons Sent for Trial in Kent 1824-1838.¹⁵⁶

¹⁵⁶ Figures for table extracted from: Summary Statement of Number of Persons Charged with Criminal Offences in England and Wales, 1824-1834, p. 2. [Microfilm number: 33.72; Session 1835; PP] and Statement of Comparative Number of Criminal Offenders committed for Trial in England and Wales, 1828-1834, p. 2. [Microfilm number: 38.358; Session 1935; PP] and Tables of Criminal Offenders in England and Wales 1838, p. 117. [Microfilm number; 42.260-1; Session 1839; PP.]

Number of Persons Sent for Trial in Oxfordshire 1824-1838

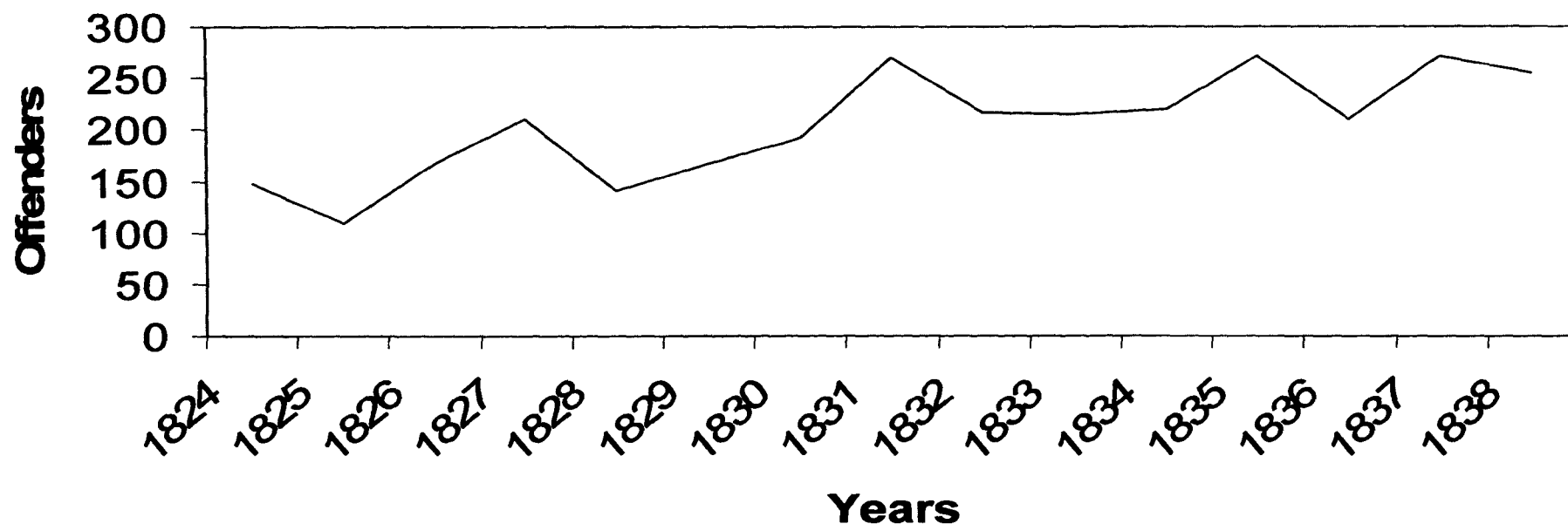


Figure 5.4: Number of Persons Sent for Trial in Oxfordshire 1824-1838.¹⁵⁷

¹⁵⁷ Figures for table extracted from: Summary Statement of Number of Persons Charged with Criminal Offences in England and Wales, 1824-1834, p. 2. [Microfilm number: 33.72; Session 1835; PP] and Statement of Comparative Number of Criminal Offenders committed for Trial in England and Wales, 1828-1834, p. 2. [Microfilm number: 38.358; Session 1935; PP] and Tables of Criminal Offenders in England and Wales 1838, p. 117. [Microfilm number; 42.260-1; Session 1839; PP.]

However, some strange anomalies begin to emerge when these returns are compared to statistical information contained in other government reports. Clearly, these raise some serious questions about the accuracy of these documents. In doing so, they cast doubt on whether they can be relied upon to present an accurate picture of criminality in the two regions. For example, the table of offenders for 1838 suggests that there had only been only five prosecutions for offences against the Game Laws in Kent, during that year.¹⁵⁸ However, ninety six individuals had been confined in Maidstone's House of Correction for poaching offences only three years earlier. The returns show that a further two individuals were also held in the County Gaol in Maidstone between November 1834 and October 1835.¹⁵⁹

Similarly, a decade later, three hundred and five individuals were convicted of offences against the Game Laws between May of 1846 and August of 1848.¹⁶⁰ One therefore has to question whether the figures for 1838 represent a low point for poaching in the county of Kent. Alternatively, it is possible that the irregularity had more to do with inaccurate publishing of figures, or some sort of under-reporting. It does not seem to have occurred to the authors of the 1838 report, that the figures were inaccurate.¹⁶¹ Instead, they believed that the drop was due to legislative reforms and 'a more active and vigilant Police, from increased facilities of Prosecution, and other causes'.¹⁶² Whilst it is possible that these factors might have had some impact on crime

¹⁵⁸ Tables of Number of Criminal Offenders in England and Wales, 1838, p. 38. [Microfilm number: 42.260-1; Session 1839; PP.]

¹⁵⁹ Return of Number of Commitments under Game Laws in England and Wales, 1833-36, p. 39. [Microfilm number: 39.314-5; Session 1836; PP.]

¹⁶⁰ Abstract Return of Persons convicted of Offences against Game Laws at Petty Sessions, Quarter Sessions and Assizes, in England and Wales, May 1846-August 1848; Inquests on Persons Killed in Affrays between Gamekeepers and Poachers, November 1832-1848, p. 111. [Microfilm number: 53.333-334; Session 1849; PP.]

¹⁶¹ Tables of Number of Criminal Offenders in England and Wales, 1838, p.1. Microfilm number: 42.260-1; Session 1839; PP.]

¹⁶² *Ibid.*

over the longer term, it is difficult to accept that such a dramatic reduction was achieved in such a short time-span. Emsley offers a more plausible explanation for these results. He noted that it was not unusual for magistrates to deliberately falsify returns for offences like poaching during the 1820s.¹⁶³ Moreover, he suggested that magistrates were reluctant to cede powers to the central authorities.¹⁶⁴ It was therefore in the magistrate's interest to convince government officials that crime was under control in the districts that they supervised. It therefore does not seem unreasonable to suggest that administrators in later decades might have behaved with similar impropriety, if they had a vested interest in the outcome of their actions, or if they thought they would go undetected. Indeed, Emsley has observed that the early statistical movement used the information gathered by social investigators to lobby for reforms in education and crime. Moreover, he has also noted that it was not until the beginning of the nineteenth century that this data was subjected to any sort of detailed scrutiny.¹⁶⁵

In addition to problems associated with accuracy, government returns of the sort described above, also hold few details about the social groups that were involved in crime. Moreover, they do not really explain what it was that motivated individuals to offend. Without this information it is extremely difficult for historians to gain a clear insight into whether their behaviour was necessitated by want. One solution to this problem is to look more closely at the influence that socio-economic factors might have had on their actions. As the last two chapters of this thesis have

¹⁶³ Emsley, Crime and Society, p. 22.

¹⁶⁴ *Ibid*, p. 24.

¹⁶⁵ *Ibid*, 22-3. Again this might help to explain why so much attention was shown to offender literacy rates during the 1830s and 1840s. For more on this see: Tables of Number of Criminal Offenders in England and Wales 1848, p.12. [Microfilm number: 53.330-1; Session 1849; PP] and Rawson W. Rawson, 'An Enquiry into the Condition of Criminal Offenders in England and Wales, with Respect to Education; or, Statistics of Education among the Criminal and General Population of England and Other Countries', Journal of the Statistical Society of London, Vol. 3, No. 4 (1841), p. 351.

shown, poverty was a persistent and long-standing problem in the Medway region.¹⁶⁶ Moreover, it is evident from these studies that even after the passing of the New Poor Law 1834, the Medway Union continued to provide out-relief to the able-bodied, even though the central authorities forbade the practice. Crowther suggests that this situation was not uncommon and notes that the outdoor poor in some areas consistently outnumbered those inside institutions by as much as seven to one during the 1840s.¹⁶⁷ In response, the Poor Law Commission issued a Prohibition Order to the Medway Union in 1841.¹⁶⁸ It received a second order a year later, suggesting the guardians were either showing a flagrant disregard for the edicts of the New Poor Law, or that they were not in a position to comply with the directives that were laid down by the Commission. Similar orders were also issued to the authorities in charge of the Union at Maidstone.¹⁶⁹ The exchange continued between the Commission and all three unions until at least 1844, when a revised version of the order was introduced.¹⁷⁰

Whilst the number of able-poor who were relieved outside of the workhouse in the Medway basin rarely approached the estimates put forward by Crowther, it is clear that even after the introduction of Prohibition Orders, a disproportionate number of paupers were still maintained by the Union outdoors. In January of 1845 and 1846, the ratio of paupers maintained in the

¹⁶⁶ In 1720, workhouses was erected at Maidstone and Strood. Workhouses were also established at Chatham and Strood after the passing of Knatchbull's Act in 1723. The three latter institutions remained in use until the middle of the nineteenth century. For more on this see: Proposals Made in the Year 1720: To the Parishioners of Strood for Building a Workhouse There and Medway Poor Law Union; Minute Book of the Board 8th September 1835-7th August 1837. [Document number: G/Me/Am 1; Medway Archives and Local Studies Centre, Strood.]

¹⁶⁷ Crowther, The Workhouse System, 6-7.

¹⁶⁸ For more on this see: Return of Poor Law Unions Prohibiting Out-door Relief to Able-bodied Paupers. [Microfilm number: 44.139; Session 1, 1841; PP.]

¹⁶⁹ It should perhaps also be noted that the Bicester Union in north Oxfordshire also received a Prohibition Order in the same year. Returns of Unions prohibiting Out-door Relief to Able-bodied Paupers by Orders of Coms. [Microfilm number: 46.244; Session 1842; PP.]

¹⁷⁰ <http://www.workhouses.org.uk/>

community, to those who were relieved inside of the workhouse hovered consistently around the two to one mark. Unfortunately, there are no figures for the Maidstone Union. Much, however, might be deduced from this absence, since its guardians failed to return a single count to the Commission during the eight weeks under consideration.¹⁷¹ It would be wrong, however, to suggest that this was because the guardians of the Maidstone Union had little regard for poor law expenditure. On the contrary, between 1834 and 1840, they nearly halved what they spent on supporting paupers and in real terms this amounted to a saving of around twelve thousand pounds.¹⁷² In spite of this success, the records also suggest that a large number of paupers were still maintained outside of the workhouse. Some six years after the introduction of the New Poor Law, the Union was spending more than three times as much on the outdoor poor as it did on its workhouse inmates.¹⁷³ These findings perhaps go some way to explaining why the Union had been reluctant to communicate to the Poor Law Commission about how many paupers it supported outside of the workhouse.¹⁷⁴

Whilst the Medway Union was unable to accomplish the kind of results achieved by the guardians at Maidstone, it too also managed to make significant inroads into its expenditure. By 1840 it was spending around two and a half thousand pounds less on pauperism than it had under the Old Poor Law. Again, the figures suggest a large proportion of recipients were assisted away

¹⁷¹ Again, this is another example of the fallibility of official records and further evidence that local officials were keen to keep the central authorities in the dark about their administrative practices. For more on this see earlier comments regarding committal returns. For more on the indoor and outdoor poor see: Return of Number of Able-bodied Paupers receiving Relief in Poor Law Unions of England and Wales, January 1845 and 1846, p. 5. [Microfilm number: 50.304, Session 1846; PP.]

¹⁷² Return of Average Annual Expenditure of Parishes in each Union in England and Wales prior to Declaration of Union; Orders for Out-door Relief by Justices of Peace since Passing of Poor Law Amendment Act, p. 5. [Microfilm number: 46.244, Session 1842; PP.]

¹⁷³ Ibid.

¹⁷⁴ Return of Number of Able-bodied Paupers receiving Relief in Poor Law Unions of England and Wales, January 1845 and 1846, p. 5. [Microfilm number: 50.304, Session 1846; PP.]

from the workhouse. In fact, the amount that the Union spent on the indoor and outdoor poor differed by only about five hundred pounds.¹⁷⁵ What these figures do not reveal, however, is the way particular individuals profited from the distribution of outdoor relief. Under the Old Poor Law, vestries showed great discretion over the kind of assistance paupers received. Frequently, relief was provided in non-monetary form and it was not unusual for coal, clothing or foodstuffs to be given in lieu of cash payments.¹⁷⁶ During the 1840s, some poor law unions once again began to support large numbers of labourers outside of the workhouse.¹⁷⁷

Unfortunately, many of the records that could be used to create a comprehensive picture of the relief practices used by the Medway Union are missing.¹⁷⁸ However, some information of this sort is still available for neighbouring unions. In 1837 a new workhouse was erected by the authorities in charge of the welfare of the poor at Strood.¹⁷⁹ Whilst the records of the North Aylesford Union are more complete than those of the nearby Medway Union, they still contain many gaps, or are only partially legible. In spite of these shortcomings, it is clear that the guardians allowed small sums of money or payments-in-kind to be given on a regular basis to paupers outside of the workhouse. Sometimes relief was granted for specific reasons or periods of time. One individual aged thirty was given 2s. and two loaves of bread valued at 11d. during the

¹⁷⁵ Return of Average Annual Expenditure of Parishes in each Union in England and Wales prior to Declaration of Union; Orders for Out-door Relief by Justices of Peace since Passing of Poor Law Amendment Act, p. 5 [Microfilm number: 46.244, Session 1842; PP.]

¹⁷⁶ Margaret Hanly 'The Economy of Makeshifts and the Role of the Poor Law: A Game of Chance?', in King and Tomkins (eds.), The Poor in England, p. 78.

¹⁷⁷ H.M. Boot, 'Unemployment and Poor Law Relief in Manchester, 1845-50', Social History, Vol. 15, No. 2 (May, 1990), 217-28.

¹⁷⁸ For example, the Medway Union's Indoor Relief Lists for the years; 1848-1855, 1857-1859, 1860-64 and 1865-67 are in need of restoration and are awaiting transfer to microfilm. The chief archivist at Strood has therefore decided to remove them from the catalogue of documents available to the public.

¹⁷⁹ Fifteen parishes made up the North Aylesford Union. It was not until 1884 that the Union changed its name to the Strood Union. Cited from <http://www.workhouses.org.uk/>

spring/summer of 1848, to tide them over a period of sickness. Another pauper, Harriet Barker, aged 35 was allowed 1s. a week for five weeks.¹⁸⁰

What is certainly apparent from the above is that the doles rarely amounted to much in fiscal terms. This naturally raises questions about how the labouring poor coped, if they were unable to secure meaningful assistance from the poor law authorities, without entering the workhouse when they fell on hard times. It is clear for example, that the North Aylesford Union often preferred to distribute cheap food items like bread, instead of allowing relief in the form of cash payments. During the winter of 1848 for example, twenty two loaves were given to six individuals within the space of one week.¹⁸¹

Of course, it is possible that they did this because it was cheaper to allow paupers essential items than bear the cost of maintaining them inside of the workhouse.¹⁸² However, several factors suggest that this was not the only reason why the North Aylesford Union continued to provide relief to the outdoor poor. Firstly, it is clear that throughout the nineteenth century, philanthropic and charitable organisations played an important part in welfare provision.¹⁸³ Given the concern figures like Knatchbull showed for the wellbeing of the poor during the Swing disturbances, it seems

¹⁸⁰ Relief Order Book Strood Workhouse 1848-50. [Document number: G/ST AR11; MLSC.]

¹⁸¹ Ibid.

¹⁸² Mary MacKinnon, 'Poverty and Policy: The English Poor Law, 1860-1910', The Journal of Economic History, Vol. 46. No. 2 (1986), 500-2. Evidence that Oxfordshire unions allowed this practice to continue after 1834, can also be seen in observations made by the Assistant Poor Law Commissioner Richard Hall. He visited 140 parishes across the county in 1835. His comments suggest unions regularly gave bread to the able-bodied to supplement their wages and also to reduce the burden of poverty on the poor rates. Details cited from: First Annual report of the Poor Law Commissioners for England and Wales. Poor Law Commissioners First Annual Report, Appendix, 127-34. [Microfilm number: 38.287-90; Session 1835; PP.]

¹⁸³ Howard M. Wach, 'Unitarian Philanthropy and Cultural Hegemony in Comparative Perspective: Manchester and Boston, 1827-1848', Journal of Social History, Vol. 26. No. 3 (1993), 539-57 and King, Poverty and Welfare, 217-8.

unlikely that the Medway authorities relinquished all paternal responsibilities after the introduction of the 1834 Act.¹⁸⁴ There is also evidence to suggest that the uprisings during the 1830s had impressed upon the minds of the guardians, that denying relief to labouring households during periods of economic downturn could have repercussions. A statement made by a farmer and corn merchant to the Select Committee on Agricultural Distress, supports this argument. He noted:

With respect to the labourers, we are paying 50 per cent. more for labour than we ought to do, as a sort of premium of insurance, to prevent our farms being burnt down...In the village near me we had 13 fires in one year and a half.¹⁸⁵

Peter Jones' recent study of rural society at the time of the Swing disturbances seems to support the suggestion that the authorities allowed outdoor relief to the able-poor, because they believed it would reduce the likelihood of refractory behaviour. Jones observed:

Labourers could point to long-established precedents of how local social relations should operate in times of hardship, including the distribution of subsidized food before 1780 (enshrined in practice by Gilbert's Act of 1782), but going back still further, in an unbroken chain of protest and intervention, to the food riots of the 1740s.¹⁸⁶

¹⁸⁴ Rochester Gazette and Weekly Advertiser (9 November 1830), p. 3 and Rochester Gazette and Weekly Advertiser, (8 June 1830), p. 4.

¹⁸⁵ A. Wilson Fox, 'Agricultural Wages in England and Wales during the Last Fifty Years', Journal of the Royal Statistical Society, Vol. 66, No. 2 (1903), p. 312.

¹⁸⁶ Peter Jones, 'Swing, Speenhamland and Rural Social Relations: The 'Moral Economy' of the English Crowd in the Nineteenth Century', Social History, Vol. 32, No. 3 (2007), p. 288.

The above observations suggest that the ruling classes were obliged by historical precedents to oversee the welfare of the poor. However, it is also apparent that the ties that had traditionally bound the classes began to deteriorate as the burden of poverty increased during first decades of the nineteenth century.¹⁸⁷ As the last chapter showed, there is also a considerable amount of contemporary evidence to suggest that the able-poor were prepared to go to great lengths to avoid the workhouse after the introduction of the 1834 Act.¹⁸⁸ With these thoughts in mind, it is not beyond the bounds of reason to suppose that on occasions, this meant that some sections of the labouring community were prepared to resort to criminality, rather than enter the workhouse. Anecdotal evidence to support this claim can often be found in parliamentary reports.¹⁸⁹ For instance, the following statement was made before a Select Committee in 1846:

A man will get an order to go into the house with his wife and half a dozen children, or eight; he will carry the order home, and the wife will refuse to go. There is a door for the man, and a door for the woman, and a door for the children. The woman refuses to go; then he says, 'I will use my endeavours to get a little game to keep out of the union house, as I might as well be caught under the game laws, and get committed for two months to hard labour.'¹⁹⁰

Unfortunately, there is nothing in the records of the North Aylesford Union to say what criteria were used when it allowed outdoor relief to the able-poor. What is clear, however, is that

¹⁸⁷ C. P. Hill, British Economic and Social History 1700-1982 (London: Edward Arnold Ltd, 1985), 68-73.

¹⁸⁸ Michael Rose, The English Poor Law 1780-1930 (Newton Abbot: David and Charles, 1971), 169-71.

¹⁸⁹ D.J.V. Jones, The Poacher, p. 838

¹⁹⁰ Jones, 'Swing, Speenhamland and Rural Social Relations', p. 838.

the amount of assistance that these paupers received fluctuated with the seasons. Payments of one sort or another were made to two hundred and seventy eight individuals between June and September 1849. In contrast, three hundred and sixteen paupers were assisted during the last three months of the year.¹⁹¹ Parliamentary returns suggest that this situation was not unique and that other unions also adjusted their payments to the outdoor poor according to the seasons. Moreover, it is clear that this practice continued into the 1850s. Data collected from more than fourteen thousand unions, show that around eight hundred and fifteen thousand doles were paid in one week during February 1856. A similar number of payments were made to paupers the following year during the same period. In comparison, relief payments for these unions dropped below the seven hundred thousand mark, during the three months ending in September 1856 and 1857.¹⁹²

The above reports give no indication of how this relief was divided along gender lines. However, the records of the Aylesford Union suggest that women and the elderly often benefited most from outdoor assistance.¹⁹³ Studies that have looked at relief practices in other parts of the country suggest this situation was not unusual.¹⁹⁴ In response, the Poor Law Commission attempted to end the practice by issuing unions with Prohibition Orders. However, it is clear that many simply got around the rules by allowing relief to paupers on grounds of ill health or sickness.¹⁹⁵ Whilst it is laudable that southern unions tried to circumvent the rules in this way, it is also apparent that only a small percentage of the labouring population in the area actually profited from their generosity. Poor law records for the Medway Union indicate that six hundred and seventy seven families or

¹⁹¹ Relief Order Book Strood Workhouse 1848-50, *passim*. [Document number: G/ST AR11; MLSC.]

¹⁹² Comparative Statement of Number of Paupers in Receipt of Relief 1856 and 1857. [Microfilm number: 62.266; Session 1857 2; PP.]

¹⁹³ Relief Order Book Strood Workhouse 1848-50. [Document number G/ST AR11; MLSC.]

¹⁹⁴ Nigel Goose, 'Poverty, Old Age and Gender in Nineteenth-Century Hertfordshire', Continuity and Change, Vol. 20, No. 3 (2005), 354-61.

¹⁹⁵ Anne Digby, The Poor Law in Nineteenth Century England and Wales (London: The Historical Association, 1982), p. 72.

more than fifteen hundred individuals were relieved away from the workhouse during the week ending 20th February 1846. Similarly, the North Aylesford Union supported eight hundred and eleven individuals in the same way.¹⁹⁶ However, it is evident these numbers represented only a small proportion of the local population. Between 1841 and 1851, the population living within the bounds of these two unions increased by some eight thousand, to nearly sixty thousand inhabitants.¹⁹⁷

It is apparent from the above, that unions were under considerable pressure to reduce expenditure and control how relief was dispensed to the labouring poor under the terms of the 1834 Act. In spite of the restrictions that this piece of legislation placed on individual unions, it is evident that several of the larger poor law authorities in the Medway basin continued to channel relief to the able-bodied outside of the workhouse. The fact that they did not fully comply with the directives of the Poor Law Commission, even after they were issued with Prohibition Orders, gives some indication of how determined they were to offer support to the needy during periods of economic hardship. Of course, some of this concern might have been tempered by self-interest. Certainly, the most important lesson the Kentish authorities learned from the Swing disturbances, was that the labouring poor were prepared to mobilise against them and hold them to account if their livelihoods dipped below an acceptable level.¹⁹⁸ There is little doubt that the Guardians of the

¹⁹⁶ It should be noted that the Maidstone and Bicester unions returned no figures for the outdoor poor for the period February 1846 and 1847. Return of Number of Persons relieved with Out-door and In-door Relief in England and Wales, February 1846 and 1847, *passim*. [Microfilm number: 52.433; PP.]

¹⁹⁷ Tables of Population and Houses in Divisions, Registration Counties and Districts of England and Wales, Scotland, and Islands in British Seas, 1851, p. 19. [Microfilm number: 55.362-3; Session 1851; PP.]

¹⁹⁸ A. Wilson Fox for example, noted that the Report on the Burdens on Land, 1846 states that farmers in Oxfordshire and Kent deliberately employed 'considerably' more men than they needed' in order to reduce the poor rates and that preference was often given to men with large families. Wilson also noted that similar observations were made by James Caird in the early 1850s. Fox,

North Aylesford Union recognised this fact and on occasions tried to manipulate the able-bodied with small doles.¹⁹⁹ However, population growth and fluctuating employment markets always restricted the amount of assistance that they could provide.

It is clear therefore, that the vast majority of the labouring poor in the Medway basin were forced to rely on their own resources, at a time when growing industrialisation had severely limited the avenues that were open to them. Once again, this raises the possibility that some acts of criminality were tempered by hardship.²⁰⁰ Certainly, many poor communities in the Medway region were unable to make use of common land to supplement their earnings, since much of Kent had already been divided up by the end of the seventeenth century.²⁰¹ The consequences of this are clear: without land, the labouring poor were almost totally dependent on their wages, at a time when agricultural earnings were depressed.²⁰² James Caird, for example, suggested that agricultural labourers in the south east of the country earned little more than nine shillings a week during the middle years of the century.²⁰³ By way of an explanation he noted:

An examination...shows very clearly that the higher wages of the Northern counties is altogether due to the proximity of manufacturing and mining enterprise...The influence of manufacturing enterprise is thus seen to add 37 per cent. to the wages of the agricultural labourers of the Northern counties as compared with those of the South. The line is distinctly drawn at the point where coal ceases to be found, to the

'Agricultural Wages in England and Wales', p. 278. Also see: James Caird, English Agriculture in 1850-51 (London: 1852), *passim*.

¹⁹⁹ For more on the Swing disturbances, see chapters four of this thesis.

²⁰⁰ D.J.V. Jones, 'The Poacher', p. 838.

²⁰¹ J.R. Wordie, 'The Chronology of English Enclosure 1500-1914', The Economic History Review, Vol. 36. No. 4 (1983), 483-505.

²⁰² Hobsbawm & Rudé, Captain Swing, *passim*.

²⁰³ Caird, English Agriculture in 1850-51, p. 512.

south of which there is only one of the counties we visited in which the wages reach 10s. a week.²⁰⁴

Although Caird's remarks partially explain why wages varied between regions, they do little to highlight the sort of the difficulties that many labouring households faced throughout the nineteenth century. For instance, earnings not only fluctuated with the seasons, they also varied according to the type of work a man was engaged for. At this time, it was not unusual for ordinary agricultural labourers to be employed on a weekly basis. In contrast, men who looked after livestock were frequently given longer-term contracts and higher rates of pay.²⁰⁵ Wages could also vary considerably within individual counties. For instance, agricultural labourers in Kent were comparatively well paid in the districts that were closest to London.²⁰⁶ At the same time, the county's agrarian labour market was marked by extreme diversity. For example, E.H. Hunt has noted that 'this small area contained some of the best and worst paid labour in Britain'.²⁰⁷

Kent and Oxfordshire 1850-1885

The absence of wage records for individual farms clearly makes it difficult for historians to offer more than a general account of how agricultural earnings changed over time in response to growing industrialisation. In spite of this setback, it is still evident from regional wage data that Kentish labourers working in the agrarian sector saw their earnings increase during the second half of the nineteenth century. Between 1867 and 1870, men who tilled the land in the Home Counties, near to

²⁰⁴ Ibid, p. 511.

²⁰⁵ Fox, 'Agricultural Wages in England and Wales', p. 274.

²⁰⁶ E.H. Hunt, Regional Wage Variations In Britain 1850-1914 (London, Oxford University Press, 1973), p. 6.

²⁰⁷ Ibid.

London, could expect to earn around 16s. 6d. per week. In the more rural parts of the south east, wages were somewhat lower. Here, farm labourers often earned as little as 14s. 4 ½ d. per week during the same period. Similarly, by 1898, agricultural wages in the Home Counties around the Metropolis averaged 18s. 5d a week. In contrast, weekly earnings in the rural south east were only around 15s. 9d.²⁰⁸

It is evident from the above, that wages at the two ends of the income scale could have a distorting effect on the actual earnings of agricultural labourers in districts where there was little competition for labour from other industries.²⁰⁹ Moreover, some account also needs to be taken of the effect that piecework had on the overall earnings of labouring households, since remuneration packages could differ considerably between regions. In northern parts of the country for instance, it was common for the relatively high wages of agricultural labourers to be supplemented with payments in kind. These often included rent free accommodation and generous allowances of fuel and foodstuffs.²¹⁰ In contrast, labourers at Banbury in the north of Oxfordshire, no doubt expressed their gratitude for the free beer that they received at harvest-time.²¹¹

²⁰⁸ Ibid, p. 64.

²⁰⁹ Caird, English Agriculture in 1850-51, p. 511.

²¹⁰ For example, labourers in Hexham, Northumberland, saw their wages increase from 11s. to 16s. 6d. between 1851 and 1861. Over the course of the next decade they remained static, before rising again to around 20s. in 1881. Total cash earnings, which included weekly wages, hay and corn harvest, piecework and overtime, however, more than doubled these figures. In addition, the labourers received a cottage and garden rent free, coals, 80 stones of potatoes and 2 bushels of barley. Fox, 'Agricultural Wages in England and Wales', 336-7.

²¹¹ Beer or cider seems to have been the main way of compensating or supplementing wages in the five southern counties surveyed by Fox. Whilst the quantities varied from region to region, it is evident that most allowances declined over time and were mostly, by the second half of the nineteenth century, confined to the weeks when the harvest was in progress. As to the subject of wages, labourers around Banbury received a fixed wage of 10s. between 1851 and 1871 and it was not until a decade later that this fairly modest rate was increased by ten percent. The contrast with Hexham in Northumberland is all the more revealing if one considers that total cash payments to

While it is apparent that agricultural wages increased in some parts of Kent and Oxfordshire after 1850, it is also clear that earnings did not always keep up with the price of basic commodities. A. Wilson Fox, for example, noted that average earnings across the 67 farms he surveyed were at their lowest in 1851, when wheat was priced at 38s. 6d. per quarter.²¹² Although the price of foodstuffs dropped during the second half of the nineteenth century, they still accounted for around eighty percent of a general labourer's wage in the midlands and the south of the country in the last years of the century.²¹³ Moreover, it is evident that even as food became more affordable, labouring households in these areas existed on a diet that was neither as varied, nor as rich in nutrients as those in the northern counties.²¹⁴

Two main factors seem to have contributed to this disparity. The first was due to changes that took place in farming, particularly through the increased use of machinery. This took away the need for large permanent labour-forces to be employed year-round and in turn reduced the amount of work that was readily available for women and children. Instead, it became more common for females and the young to work when the demand was greatest, for example during the sowing season, or for the few weeks in the summer when the harvest was gathered.²¹⁵ At the same time, the process of enclosure also placed limits on how women and children contributed to their household economies. As the nineteenth century progressed, households in the southern part of the country grew more dependent on the earnings of the main bread-winner. Previously, when females

general labourers at Banbury did not amount to than 33s. 10d. between 1861 and 1901. For more on this see: Ibid, 338-9.

²¹² Ibid, p. 282.

²¹³ Ibid, p. 293.

²¹⁴ Ibid, 292-4.

²¹⁵ Nicola Verdon, 'The Rural Labour Market in the Early Nineteenth Century: Women's and Children's Employment, Family Income, and the 1834 Poor Law Report', Economic History Review, Vol. 55, No. 2 (2002), p. 301.

had access to common land, they were able to rear livestock and grow crops. However, this advantage was lost, once common land was enclosed.²¹⁶

As the last chapter showed, the customary rights that the poor lost cannot be simply counted in financial terms, since entitlements not only afforded labouring households the freedom to rear livestock and produce goods for the marketplace, but also allowed them considerable control over their diets.²¹⁷ This certainly helps to explain why the diets of labouring households in southern counties were said to be lacking in fresh meat, even by the end of the nineteenth century. At the same time, it also makes it easier to understand why poaching continued to present the authorities with problems during this period.²¹⁸

Of course, it would be wrong to imply that all incidents of poaching were the result of the labouring poor asserting their rights over common land. The work of Clive Emsley and John E. Archer for example, suggests that poachers were often impelled by a range of factors including class disputes and financial gain.²¹⁹ However, it seems reasonable to suggest that incidents of

²¹⁶ Jane Humphries, 'Enclosures, Common Rights, and Women: The Proletarianization of Families in the Late Eighteenth and Early Nineteenth Centuries', The Journal of Economic History, Vol. 50, No. 1 (1990), 18-9.

²¹⁷ *Ibid*, 24-5.

²¹⁸ It is clear that the decline in the diets of the labouring poor had been longstanding. The Hammonds for instance found evidence to suggest that enclosure had a detrimental effect on the purchasing power of labouring wages and argued that in the last decades of the eighteenth century meat formed "a very small part" of the labouring diet". Moreover, they noted 'all the budgets tell the same tale of impoverished diet accompanied by an actual deficit'. For more on this see: Hammond and Hammond, The Village Labourer, p. 87 and Fox, 'Agricultural Wages in England and Wales', p. 292.

²¹⁹ See for example, Clive Emsley's discussion of poaching gangs in the eighteenth century. Emsley, Crime and Society, p. 4. Also see: John E. Archers remarks concerning poaching gangs in urban areas of Lancashire and their involvement in other criminal pursuits. John E. Archer, 'Poaching Gangs and Violence: The Urban-Rural Divide in Nineteenth-Century Lancashire', British Journal of Criminology, Vol. 39 No. 1 (1999), 25-38.

poaching should have declined as communities grew more accustomed to the loss of common land and their ancient rights. Instead, it is evident that poaching occupied an increasing amount of the courts' time as the nineteenth century progressed. It will be remembered from earlier, that nearly a third of all convictions in Oxfordshire during the 1840s were for offences relating to the theft of game.²²⁰ During the second half of the century, large numbers of individuals continued to be prosecuted for similar offences. Four hundred and thirty four individuals for example, were punished by magistrates for poaching in Oxfordshire between 1857 and 1862.²²¹ Similarly, 664 individuals were convicted of poaching in Kent over the same period.²²² The figures were no less remarkable at a local level. In 1857, twenty three men were convicted in the Ploughley Hundred. A similar number appeared before the region's magistrates a year later.²²³ As was the case in earlier years, the vast majority of the convicted served terms in prison. Similarly, most were apprehended in rural districts away from the market town of Bicester.²²⁴ Although the Medway basin was more urbanised, a significant number of individuals from towns in the area were also prosecuted for poaching in the 1850s and 1860s. For instance, twenty two men appeared at the North Aylesford Petty Sessions for offences relating to the Game Laws in 1858. Four years later, twenty one men were prosecuted at the same sessions for similar offences.²²⁵ Although the number of prosecutions for offences against the Game Laws in the 1870s and 1880s were somewhat lower than in earlier

²²⁰ Jones, 'The Poacher', 830-2.

²²¹ Returns of Prosecutions in England and Scotland under Game Laws, 1857-62, p. 2. [Microfilm number: 70.393-8; Session 1864; PP].

²²² Ibid

²²³ Returns of Prosecutions in England and Scotland under Game Laws, 1857-62, p. 141 and 260. [Microfilm number: 70.393-8; Session 1864; PP.]

²²⁴ Compare: Returns of Prosecutions in England and Scotland under Game Laws, 1857-62. [Microfilm number: 70.393-8; Session 1864; PP] with Abstract Return of Persons convicted of Offences against Game Laws at Petty Sessions, Quarter Sessions and Assizes, in England and Wales, May 1846-August 1848; Inquests on Persons Killed in Affrays between Gamekeepers and Poachers, November 1832-1848. [Microfilm number: 53.333-4; Session 1849; PP.]

²²⁵ Ibid.

decades, a considerable number of individuals still passed through the courts for offences related to poaching.²²⁶ For example, two hundred and forty seven men appeared before magistrates in Oxfordshire, accused of the offence, in the year through to September 1870.²²⁷ In a similar vein, more than one hundred and forty men were committed or bailed for trial in the county for game related offences, some ten years later.²²⁸ In Kent, more than two hundred individuals were prosecuted for poaching in 1885.²²⁹

So while there is little doubt that incidents of poaching did decline over the course of the nineteenth century, from the peak years of the 1840s and 1850s, it is still clear that the offence continued to occupy a substantial amount of the courts' time in Oxfordshire and Kent in the latter decades of the nineteenth century. Although the high level reports discussed above, appear to contradict Emsley's claim that the 1862 Poaching Prevention Act and the Ground Game Act of 1880 suppressed enthusiasm for poaching in rural areas, they still reveal little about the circumstances of individual offenders.²³⁰

²²⁶ It is argued that this decline was partly due to the introduction of new legislation in the 1860s. This provided the police with greater powers to stop and search suspects. Emsley also suggests that these reforms also encouraged rural communities to withdraw their support for poachers. For more on this see: Emsley, Crime and Society, p. 82.

²²⁷ Return of Judicial Statistics of England and Wales, 1870, p. 29. [Microfilm, number: 77.590-2; Session 1871; PP.]

²²⁸ Return of Judicial Statistics of England and Wales, 1880, p. 29. [Microfilm number: 87.828-30; Session 1881; PP] and Return of Judicial Statistics of England and Wales 1885, 27-29. [Microfilm number: 92.555-7; Session 1886; PP.]

²²⁹ *Ibid.*

²³⁰ Emsley, Crime and Society, p. 82.

Record Linkage

Thus far this chapter has shown that offences associated with the theft of livestock and food items occurred with some frequency in Oxfordshire throughout the nineteenth century and that incidents of poaching were also common in Kent during the same period. In both instances, these offences often increased during periods of economic depression. The difficulty, as we have seen, however, is connecting these crimes with poverty. This is because many high level reports contain few details about the circumstances of the individuals that they relate to.²³¹ It is clear however, that more localised documents can help to bridge this gap. This is because they often hold more data about the locations where crimes were committed, as well as more intimate information about particular offenders, including whether they had previous convictions, their trades and their educational background.²³² The next part of this chapter will look at these records in more detail. In doing so it will show how the information that they contain can be used to show more conclusively whether or not crimes like theft and poaching were linked to the personal situation of the individuals who committed these offences.

As a starting point, it is evident that offences associated with the theft of food items and animals appear with some regularity in the Calendar Books of Kent throughout the nineteenth century. In contrast to Oxfordshire, it is noticeable that livestock was usually taken from properties in rural districts, away from, or on the outskirts of the main urban centres. For illustrative purposes, the following analysis draws on records that appear in Maidstone's Calendar of Prisoners from 1839.²³³ This holds the details of prisoners who were tried at the Lent Assizes on the 11th March.²³⁴

²³¹ See the introduction to this thesis for a full explanation of the term 'high level'.

²³² See the introduction to this thesis for a complete description of the sort of information that documents like calendar books contain.

²³³ This record was selected because it contains a large sample of offences. As such, it is representative of the sort of business that the judiciary dealt with at the Assizes between 1837 and 1853. For more on this see: Kent Calendar of Prisoners for Trial at the Lent Assizes at Maidstone.

One hundred and seven individuals passed before the bench at these hearings. Of this number, only five of the accused were charged with offences relating to the theft of animals, most notably sheep. However, a further seventeen were prosecuted for stealing items of food.²³⁵

One man in particular, stands out in the records for the later offence. John Weaver was charged with committing four burglaries in the locality of Tonbridge Wells. The records show that he was a nineteen year old labourer. It is unclear what he intended to do with the proceeds of his crimes. However, all of the items that he stole had some intrinsic value. This suggests a degree of forethought and planning had gone into the burglaries. For instance, he took a gun and a pair of boots valued at 40s from the home of William Ducey. He also stole three hams, ten pounds of pork and items of clothing from the dwelling of Elizabeth and William Twort. His most impressive haul, however, was taken from a property owned by Stephen Landsell. The details entered in the Gaol Calendar are as follows:

One sovereign, one half crown, twelve shillings, three sixpences, twenty-four pence, forty-eight half-pence, and five spoons, value 12s., one pair of sugar tongs, value 4s., and divers other articles of...property at Pembury. And also two £5 bank notes, and one promissory note, value £5.²³⁶

First impressions would suggest that this record reveals little about the economic circumstances of the individual that it relates to. Yet, on closer inspection, it is clear that Weaver was illiterate. It is

Monday 11th March, 1839. [Microfilm number: PC M4; Kent County Archives, County Hall, Maidstone.]

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Ibid.

possible that this detail holds the key to why he was involved in crime.²³⁷ The next chapter will look in more detail at the link between literacy rates, employment prospects and criminality. However, for the moment it should suffice to say, that there is a considerable body of evidence to suggest that individuals who could read and write had clear advantages in overcrowded labour-markets. Literacy skills not only affected what these individuals were able to earn, but to a large extent also determined their social mobility.²³⁸ As we have already seen, labour markets in Kent were overstocked at the time that Weaver committed his offences, meaning that competition for well paid work was intense. Moreover, it was noted at the very beginning of this chapter, that authority figures in the seventeenth century believed that crime rates could be improved if the poor were educated properly.²³⁹ The fact that decades later, administrators took the time to make a record of offender literacy rates, suggests that this belief persisted into the nineteenth century.²⁴⁰ A closer examination of the Calendar of Prisoners suggests that a large proportion of those who stood trial in the Medway basin were barely literate. Of the one hundred and seven individuals who were prosecuted in March of 1839, forty four, or around forty one percent were categorised as being unable to read or write. Over seventy two percent were employed as labourers. A further fifteen labourers had some literacy skills. Whether these individuals were particularly accomplished at

²³⁷ Ibid.

²³⁸ Barry Reay, 'The Context and Meaning of Popular Literacy: Some Evidence from Nineteenth-Century Rural England', Past and Present, No. 131, (1991), 89-129 and George R. Boyer and Timothy J. Hatton, 'Migration and Labour Market Integration in Late Nineteenth-Century England and Wales', The Economic History Review, Vol. 50. No. 4 (1997), 697-734. Finally, see: Roderick Floud & Donald McCloskey, The Economic History of Britain since 1700: Volume 2: 1860 to the 1970s (New York: Cambridge University Press, 1981), p. 209.

²³⁹ Marshall, The English Poor, p. 25.

²⁴⁰ See for example: Tables of Number of Criminal Offenders in England and Wales, 1838, p. 4. [Microfilm number: 42.260-1; Session 1839; PP.]

either reading or writing is open to debate, since the abbreviation 'Imp' was added alongside their details.²⁴¹

Another record that appears in the Calendar of Prisoners that warrants further attention, relates to a twenty three year butcher named Joseph Cumming. He was accused of three offences relating to theft. Records kept during the Lent Assizes show that he could read and write. It was alleged that he broke into the home of Joseph and Charles Hoppe at East Malling on the second of October 1837. Among the items that he was alleged to have stolen were three cheeses and twelve pound of bacon. The items were valued at 30s and 40s respectively. Cumming was also accused of assaulting and robbing John Benster of a large sum of money a day later at Chatham. The date of his third offence is not specified. However, the records show that he was charged with stealing two dead pigs from William James Finnes at Gillingham.²⁴² There is nothing in these records to suggest Cumming had fallen on hard times or had any dependents to support. Consequently, the task of linking his offences to poverty is made more difficult. However, the question still remains; why did a literate young tradesman risk being punished severely for the theft of a few food items? Cumming's occupation as a butcher may offer a partial explanation to this question. During the first decades of the nineteenth century, the majority of butchers earned their livelihoods from street hawking. However, it is apparent that few profited in any substantial way, since capital was needed for stock and to buffer them against seasonal fluctuations, or competition from other traders.²⁴³ Any of these factors offer a credible explanation for Cumming's actions. Moreover, his appearance

²⁴¹ It is assumed that 'Imp' stands for 'imperfect'. This is significant, because as we have already seen, illiterate adults were at a disadvantage in uncertain labour markets. For more on this see: Kent Calendar of Prisoners for Trial at the Lent Assizes at Maidstone, Monday 11th March, 1839. [Microfilm number: PC M4; KCA.]

²⁴² Ibid.

²⁴³ Henry Mayhew, London Labour and the London Poor The London Street Folk Volume I (London: 1861), 175-7.

in court suggests that he was mistaken if he thought that he could dispose of the goods without drawing attention to himself.

As persuasive as the above arguments are, it is difficult without more substantive evidence to say with absolute certainty why Cumming was indicted for theft. At the same time it is also clear that a good number of the misdemeanours documented in the gaol calendar for March 1839 appear to have had some connection to the local economy. As we have already seen from chapter three, the principal towns in the Medway basin supported a range of industries associated with shipping, brewing and paper making during the first half of the nineteenth century.²⁴⁴ In contrast, hops, soft fruits and wheat were grown extensively in rural districts.²⁴⁵ It is apparent that some individuals tried to profit from these diverse industries if the opportunity arose. Evidence of this can be seen from the example of three labourers who were accused of stealing hop poles between January and March 1839.²⁴⁶

Unfortunately, there is nothing in the register to say what Robert Smith, Edward King and Samuel Hatcher intended to do with the items they stole. However, there are some indications that the offences were somehow linked to men's economic status. For instance, the records show that the youngest man, Hatcher, was able to read imperfectly and that the other two men were completely illiterate.²⁴⁷ It has already been suggested that literacy had some effect on an individual's employment prospects and earning potential.²⁴⁸ If the assessment of their literacy skills was accurate, it is possible to argue with some conviction that Smith and King were near the bottom

²⁴⁴ Also see: Alan Armstrong (ed.), The Economy of Kent 1640-1914 (Suffolk: Boydell & Brewer Ltd, 1995), *passim*.

²⁴⁵ William Hughes, The Geography of British History (London, 1863), p. 401.

²⁴⁶ Kent Calendar of Prisoners for Trial at the Lent Assizes at Maidstone, Monday 11th March, 1839. [Microfilm number: PC M4; KCA.]

²⁴⁷ *Ibid*.

²⁴⁸ Reay, 'The Context and Meaning of Popular Literacy', 89-129.

end of the earnings' scale.²⁴⁹ As a consequence, it is also likely that they would have been more vulnerable during trade depressions.²⁵⁰ Their offences were committed in rural districts during the winter months. As we have already seen this was when agricultural work was often scarce and incomes varied considerably.²⁵¹ In addition, events like the birth of children, or the onset of old age also placed a considerable burden on the household budgets of the poor.²⁵² Together, these factors might help to explain why these men turned to crime. For example, King and Hatcher were both in their early twenties. Therefore, it is likely that if they were married that they were also responsible for young families. In contrast, Robert Smith was sixty and past his physical prime.²⁵³ There can be little doubt that he would have found it difficult to support himself, or any dependents in his twilight years, if he did not receive additional support from kin networks.²⁵⁴

This, however, does not resolve the issue of why the men risked a prison sentence for a few hop poles? After all, they had little commercial value on the open market. The quantity appropriated by King was valued at no more than 2s.²⁵⁵ It therefore seems reasonable to suggest

²⁴⁹ Harvey J. Graff, 'Pauperism, Misery, and Vice': Illiteracy and Criminality in the Nineteenth Century', Journal of Social History, Vol. 11, No. 2 (1977), 245-68.

²⁵⁰ F. Musgrove, 'Middle-Class Education and Employment in the Nineteenth Century', The Economic History Review, Vol. 12, No. 1 (1959), p. 109.

²⁵¹ Gregory Clark, 'Farm Wages and Living Standards in the Industrial Revolution: England 1670-1869', The Economic History Review, Vol. 54, No. 3 (2001), 477-505.

²⁵² King, Poverty and Welfare, 77-110 and 127-34.

²⁵³ Kent Calendar of Prisoners for Trial at the Lent Assizes at Maidstone, Monday 11th March, 1839. [Microfilm number: PC M4; KCA.]

²⁵⁴ Men over the age of sixty five made up less than 2.5 percent of the workforce between 1851 and 1881 and were often employed in low skilled occupations. Moreover, the presence of dependents in a household was often a significant factor behind men participating in the workforce in later life. Matthew Woollard, 'The Employment and Retirement of Older Men, 1851-1881: Further Evidence from the Census', Continuity and Change, Vol. 17, No. 3 (2002), 437-63 and King, Poverty and Welfare, p. 170 and Goose, 'Poverty, Old Age and Gender', 351-84.

²⁵⁵ Kent Calendar of Prisoners for Trial at the Lent Assizes at Maidstone, Monday 11th March, 1839. [Microfilm number: PC M4; KCA.]

that the men intended to keep them for themselves, perhaps to use as a building material, or for fuel. The fact that they were stolen during the winter months makes the latter argument more credible and is perhaps further evidence of the men's lowly economic status. Yet, it has to be recognised that these explanations are largely based upon supposition. As such, they are not entirely satisfactory. Clearly, a fresh approach is needed, if we are to say with greater certainty whether particular offences were motivated by poverty. This task is made easier if the technique of Record Linkage is used.²⁵⁶ The final part of this chapter will illustrate how this technique works in practice, by using information that appears in census reports. This will be combined with data that is found in the few remaining petty session records that have survived from the second half of the nineteenth century for the Ploughley Hundred.

On the 2nd November 1888, 'five young men' appeared before magistrates in Bicester. They were accused of stealing rabbits.²⁵⁷ The record gives little indication of the motive behind the youth's actions. Nor does it offer any explanation of what they intended to do with the animals. Other entries, however, suggest that this was not an isolated incident. Four of the men were subsequently charged with trespass on the 1st February 1889. One of the offenders, Fredrick Massey, was also accused of 'shooting game, [and] killing game with wire' on the 27th February 1889.²⁵⁸ Even when these records are considered together, there is insufficient information to say with any certainty whether any or all of the individuals were professional poachers, or whether they were simply trying to eke out their household economies with illicit game.

Likewise, a later entry shows that Anthony Hall was prosecuted for 'killing a pigeon of the value of 11s.', on the 11th March 1881. The record shows that the birds belonged to Samuel Deeley

²⁵⁶ For more on this see the introduction to this thesis and Ager and Lee, 'Prostitution in the Medway Towns', *passim*.

²⁵⁷ The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [Private Collection.]

²⁵⁸ Ibid.

who lived at Arncott. On the same day William John Ingram the excise officer of Bicester, brought a case against Thomas Hall of Arncott for 'carrying a gun without a licence'.²⁵⁹ Again, it is not clear from the records whether Anthony and Thomas were apprehended together, whether they were related, or what they intended to do with their spoils, if they had not been caught. The only indication that either offence was motivated by poverty comes from a brief reference to 'distress' that was entered against in Anthony's details.²⁶⁰ However, it is possible to learn more about the men and the circumstances behind their convictions by making use of census reports from 1881. They show that Thomas Hall lived with his wife Ann and six children, in the village of Arncott in 1881. The village is situated just a few miles from Bicester and at the time was located within the bounds of the Bicester Union. The two youngest children were both under the age of ten.²⁶¹ Therefore, it is likely that they still depended heavily on their parents for their upkeep. The records also show that Anthony was eighteen at the time of his prosecution. Hall senior, was an unskilled agricultural labourer. Samuel Deeley, the man who brought the charges against him was a local farmer who owned some two hundred and sixty acres around Arncott.²⁶² Deeley's status as a landowner undoubtedly gave him some standing in the local community. It was also true that community bonds in rural districts were often tightly knitted.²⁶³ At this time, the parish of Arncott was quite sparsely populated.²⁶⁴ Therefore, it is quite likely that the Halls were known to Deeley, in

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ 1881 Census of England and Wales. [RG11/157; Oxfordshire County Records Office, Oxford, Oxfordshire.]

²⁶² Ibid.

²⁶³ John Bohstedt, Riots and Community Politics in England and Wales 1790-1810 (Cambridge: Cambridge University Press, 2000), 202-3.

²⁶⁴ Census returns shows that there were only seventy families living in Arncott in 1881 and the parish had a population of just 243 inhabitants. Census of England and Wales 1881 Volume 1. Area, Houses and Population (Counties), p. 308. [Microfilm number: 89.643-8; Session 1883; PP.]

some capacity or other. Deeley's influence as a landowner might also explain why John Ingram, the local excise officer was involved in the prosecution of Hall senior.²⁶⁵

Whilst none of this additional information allows us to say with absolute certainty whether either of the above offences was motivated by poverty, it does raise questions about whether the Hall family was able to cope with periods of economic hardship, without resorting to petty forms of criminality. For instance, it is certainly clear that Thomas Hall was responsible for supporting a large family as an agricultural labourer, when he was past his physical prime and at a time when the agrarian labour market in the Ploughley Hundred was in a state of decline.²⁶⁶ It is also apparent that the Halls relied on income streams from a variety of sources. Evidence to this effect can once again be found in Bicester's petty session records. On the 24th February 1881, a month before his prosecution for poaching, Thomas Hall, was accused of employing his fifteen year old son, Edward, in contravention of a local byelaw.²⁶⁷ Unfortunately, the record provides no details about Hall's alleged offence. However, it seems likely that it was linked to six other prosecutions which were heard during the same session. All of the defendants were accused of offences relating to their children's non-attendance at school and all of the charges were brought by the same person who represented the local school board.²⁶⁸ It is also perhaps no coincidence that these prosecutions coincided with the introduction of legislation which required parents to send their children to

²⁶⁵ 1881 Census of England and Wales, passim. [RG11/157; OCRO.]

²⁶⁶ Census records for instance, show the population of Arncott decreased by more than thirty percent between 1851 and 1881. Figures arrived at by comparing census figures for 1851 and 1881. Population Tables, 1851, Part I, Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851, Report, England and Wales, I-VII; Area and Population, passim. [Microfilm number: 57.616-24; PP] and Census of England and Wales 1881 Volume 1. Area, Houses and Population (Counties), p. 308. [Microfilm number: 89.643-8; Session 1883; PP.]

²⁶⁷ The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [PC.]

²⁶⁸ *Ibid.*

school.²⁶⁹ The records do not reveal how the children's time was occupied while they were absent from school; however, there is nothing in the court records to suggest they were engaged in any illegal activities or disturbed the peace of the town in any way.²⁷⁰ Instead, it seems likely that they were employed in some capacity on farms in the neighbourhood.²⁷¹

The case against Hall was dismissed, presumably because his son was fifteen and above the school leaving age.²⁷² This detail, however, is of no great consequence, since the thrust of the argument centres on the significance of Edward's earnings to the solvency of the Hall household. Hugh Cunningham's work on child labour-markets suggests children played a crucial part in the household economies of the labouring poor. Cunningham noted:

Working-class family economies in the late nineteenth and early twentieth centuries remained dependent on children's earnings; children contributed more in earnings than did women, and the male breadwinner norm was an actuality in only one phase of the life cycle.²⁷³

²⁶⁹ Clearly, these were not isolated incidents. Similar prosecutions dating back as far as 1878, can be found with some regularity in the court records of Bicester and other rural districts of Oxfordshire. See for example: Bicester Register of Court Summary Jurisdiction and Farringdon Register of Court Summary Jurisdiction. [Both PC.] For more on individual the Education Acts see: Peter Kirby, Child Labour in Britain, 1750-1870 (London: Palgrave Macmillan, 2003), 111-4.

²⁷⁰ The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [PC.]

²⁷¹ For more on this see: Olwen H. Hufton, The Poor of Eighteenth Century France 1750-1789 (Oxford: Clarendon Press, 1974) p. 108 and Peter Kirby, Child Labour in Britain (Basingstoke: Palgrave Macmillan, 2003), 55-60.

²⁷² The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [PC.]

²⁷³ Hugh Cunningham, 'The Decline of Child Labour: Labour Markets and Family Economies in Europe and North America Since 1830', Economic History Review, Vol. 53, No. 3 (2000), p. 410.

These remarks certainly seem to support the above argument concerning Hall senior's ability to raise and care for a large family solely on his earnings. However, little would be known about whether and more precisely how, younger members of the Hall family contributed to the upkeep of the household, if Edward's details had not appeared in the court records. This is because information concerning the earnings of women and children is often absent from other kinds of source material like farm accounts and census reports.²⁷⁴ Even if this information was available, it is difficult to see how a labouring family like the Halls survived periodic slumps without resorting to criminal practices like poaching, since Ann and the older children would not only have earned considerably less than the two adult males in the household, but would probably have only secured casual employment for short periods during the agricultural year.²⁷⁵ It should be remembered that both Thomas and Anthony committed their offences during the winter months when the demand for labour in agricultural districts was at its lowest ebb.²⁷⁶

Of course, there is little to suggest that Thomas Hall's offence was motivated by poverty when his records are considered separately from Anthony's. Any number of plausible explanations might be put forward to explain his actions, since his file contains almost no information about his socio-economic circumstances. Suggestions that his behaviour resulted from distress are easily countered. For example, it could be argued that he simply offended because an opportunity presented itself. Anthony's actions, however, are less easily explained. They bear many of the hallmarks of premeditation; he was found with an unlicensed gun and his file suggests his actions

²⁷⁴ Sara Horrell and Jane Humphries, 'Women's Labour Force Participation and the Transition to the Male Breadwinner Family, 1790-1865', Economic History Review, Vol. 48, No. 1 (1995), 89-117.

²⁷⁵ Ibid.

²⁷⁶ Gregory Clark, 'Farm Wages and Living Standards in the Industrial Revolution: England 1670-1869', The Economic History Review, Vol. 54, No. 3 (2001), 477-505. Also see: Peter Kirby, Child Labour in Britain, 59-60.

were motivated by hardship.²⁷⁷ The connection between the two records, however, does not become obvious until other kinds of source material are brought into the equation. Research which is based on evidence from a range of documents therefore has many advantages over studies which rely on single sources; not least because it encourages historians to delve into the background of offenders and explore the possibility that poverty might have influenced certain criminal acts.²⁷⁸

Such an approach is of course not without its problems. Poor record coverage places limits on the amount of information that can be recovered for some individuals. The technique of extracting and analysing information from a variety of sources is also time-consuming and one has to question whether micro-histories can tell us much about general trends in criminality. However, it seems likely that the benefits of Record Linkage outweigh many of these concerns, not least because it provides us with a better understanding of the kind of circumstances that may have influenced individuals to offend. Moreover, as a later chapter will demonstrate, multiple records can be drawn together to re-create profiles of larger communities.

Conclusions

To sum up, it is apparent from the investigation carried out in this chapter that contemporaries and modern historians have often disagreed about the causes of pauperism. In the eighteenth century for example, there was a growing belief that poverty resulted from the poor leading reckless lifestyles. This mindset clearly continued into the nineteenth century, when a system of hard discipline was introduced into workhouses to deter the able-bodied from seeking assistance and to encourage them to look for work. In contrast, historians of the modern era have shown a growing interest in the

²⁷⁷ The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court.
[PC.]

²⁷⁸ In contrast, Clive Emsley expressed greater scepticism about the relationship between crime and poverty. For more on this see: Emsley, Crime and Society, p. 135.

effect that industrialisation had on the poor. Hobsbawm and Rudé for instance, argued that it increased wage-dependency in many areas and suggested this was one of the underlying causes of the uprisings of the early 1830s. More recently, Paul Hastings also found that socio-economic change had some effect on the levels of criminality that were found in Kent during the nineteenth century. Yet, none of these studies have considered whether the socio-economic structures which existed in Oxfordshire had a similar effect on crime over the same period. It was this vacuum that this chapter aimed to fill.

In spite of there being evidence to the contrary, it is clearly not easy to establish a connection between crime and poverty. Although criminal indictments often rose during periods of dearth, it is evident from the work of Peter King that one or two years of exceptional activity could corrupt the overall figures. Moreover, his study suggests that some account also needs to be taken of the assistance that individuals received from kin networks, as well as the role that neighbours and charities played in supporting the makeshift economies of the poor.

To resolve some of these problems, this chapter sought to show how the economies of Kent and Oxfordshire developed over the course of the nineteenth century. This survey was then used to explain why the poor may have found it necessary to depend on criminal practices during periods of hardship. Several things are clear from this study. Firstly, that by the 1880s, the two areas had developed different socio-economic identities. The economy of north Oxfordshire for instance, continued to rely heavily on agriculture and periods of economic depression caused many of the villages in the Ploughley Hundred, in northern part of the county to depopulate. In contrast, the Medway basin saw industrial activity increase as the dockyards expanded and building industries established a presence in the region. This expansion had a considerable effect on population growth in the area. In spite of these differences, it is apparent that poverty had been a longstanding problem in both regions and continued to present the authorities with challenges for much of the nineteenth century. For example, officials in Kent and the Ploughley Hundred used public work schemes to reduce the burden of pauperism on ratepayers in the 1820s. It is clear, however, that

these schemes were often more about ensuring that the poor worked for the small doles they received, than providing them with any long-term or meaningful employment.

At the same time, the authorities did all that they could to reduce expenditure on the poor after the introduction of the 1834 Act. At Bicester, savings were achieved by using the workhouse to deter all but the neediest from seeking assistance from the Union and to encourage subservience among the labouring poor. Several unions in the Medway basin also reduced what they spent on the poor after the New Poor Law was introduced. Industrial development in the northern part of Kent had driven population growth. However, it is clear that this did not occur on the sort of scale that was needed to absorb the surplus workforce in the region. Instead, the cutbacks were mostly achieved by reducing the amount that was spent on the able-bodied outside of the workhouse. It is also apparent that on the occasions when outdoor relief was allowed, it rarely amounted to much in monetary terms. Instead, food items were regularly distributed in lieu of cash payments, for short intervals, to tide paupers over during periods of illness or extreme hardship. It is also noticeable that the bulk of this assistance went to children, females and the aged. Therefore, it is evident that the majority of the able bodied in Kent and Oxfordshire were forced to rely on their own resources when their households were exposed to downturns in the economy.

However, it is clear that legislative reforms had limited the sort of options that were open to the poor. For example, the process of enclosure stripped them of common rights and made them more dependent on their occupational earnings. However, it should not be forgotten that in both regions, earnings were largely geared to the seasons. Therefore, the loss of customary rights cannot be counted simply in fiscal terms, since they not only afforded the poor an opportunity to produce food for the market place, but they also allowed them to put provisions on their own tables. The loss of these rights therefore had a debilitating effect on their diets. So it is argued that without alternatives, the poor often had little choice but to fall back on customary practices like poaching, which were outlawed by legislation.

Clearly, the process of Record Linkage helps to overcome some of these difficulties, since it reveals more about the personal situation of individual offenders. For instance, a clearer understanding of Thomas Hall's circumstances begins to emerge when different sorts of records are brought together. Of course an element of doubt will always hang over the suggestion that he committed his offence to mitigate poverty. However, it is not inconceivable that he would have found it difficult to support a large family on his agricultural earnings, if he experienced periods of under or unemployment. When considered together, Thomas and Anthony Hall's details only shed light on the difficulties experienced by one particular labouring family during the latter part of the nineteenth century. Whether this example is truly representative of other households in the Ploughley Hundred is open to debate. However, this uncertainty can be overcome by linking multiple profiles of offenders together, in order to map larger criminal communities. The next chapter will adopt such an approach, in order to reveal more about the relationship between petty crime and the makeshift economies of the labouring poor.

Chapter Six:

Prostitution and the Economy of Makeshifts

It is apparent from the research that was carried out in the last chapter, that the technique of Record Linkage can help to advance our understanding of the relationship between crime and the makeshift strategies that the poor relied on during the nineteenth century. The concept of Record Linkage, however, does not have to be confined to individual households. Representations of larger communities or socio-economic sub-groups can also be created by bringing multiple profiles together. Studies which utilise this technique clearly have the potential to yield detailed information about how criminality was affected by local economic conditions. Data collected from these sorts of inquiries can also be used in wider inter-regional surveys of the kind being carried out in this thesis.

Yet, with the exception of chapter four, this thesis has thus far concentrated on offences like poaching and the theft of livestock. Moreover, as the last chapter showed, these crimes were committed predominantly by males in rural settings. Therefore, in order to provide a sense of balance, it seems sensible to suggest that this thesis should also look at how women participated in crime and consider whether patterns of criminality were affected by the sort of conditions that prevailed in more municipal areas. Tony Henderson's work on disorderly women suggests that a study of prostitution can provide an appropriate forum for such an investigation. Even though prostitution per se was not an indictable offence, it is clear from Henderson's study that females who were 'driven upon the town' were dealt with harshly by the authorities in London during the eighteenth century.¹ A casual perusal of the petty session records for the period covered by this thesis suggests that many women living in the Medway towns were also prosecuted for behaviour that was considered licentious. However, the same cannot be said of towns in the more rural

¹ Tony Henderson, Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830 (London: Longman, 1999), 16-8.

districts of north Oxfordshire. These distinctions therefore provide this chapter with an opportunity, not only to look at an offence that was committed mostly by females, but also one that appears to have been largely confined to urban settings. Moreover, this survey will present this thesis with another opportunity to show how Record Linkage can be used to explain whether levels of prostitution were affected by the kind socio-economic conditions that prevailed in Kent and Oxfordshire over the course of the nineteenth century. To achieve these aims, this chapter will address four research questions. Firstly, what factors can be used to explain the high levels of prostitution that were found in the Medway basin and conversely, why was the trade not so visible in rural Oxfordshire? Secondly, can prostitution be viewed as one of the makeshift strategies that women used to support their households in the two regions? Thirdly, is there any evidence to suggest that desperation was one of the main drivers behind prostitution in the two areas? Finally, did growing industrialisation and legislative reforms have any impact on the behaviour of prostitutes in the Ploughley Hundred and the Medway basin between 1830 and 1885?

This undertaking is not only in keeping with the studies that have appeared in the previous two chapters of this thesis, but it is also made credible by the work of a number of historians who have looked at the links between poverty and prostitution. One of the first to do so was Judith Walkowitz.² While there is much to praise in her work, it is not directly relevant to the study that is being carried out here. Chiefly, this is because it concentrates on the trade in the metropolis and the south coastal towns of Plymouth and Southampton. As a result, it is unable to show whether the conditions that characterised the economies of the Medway basin and Oxfordshire had any bearing on the levels of prostitution that were found in the two regions. In spite of this area of obvious difference, it is clear from Walkowitz's study that female employment prospects had a major effect

² Judith R. Walkowitz and Daniel J. Walkowitz, "'We Are Not Beasts of the Field': Prostitution and the Poor in Plymouth and Southampton under the Contagious Disease Acts', Feminist Studies, Vol. 1, No. 3 (1973), 73-106 and Judith R. Walkowitz, Prostitution and Victorian Society Women, Class, and the State (Cambridge: Cambridge University Press, 1999), *passim*.

on levels of prostitution in urban areas. Moreover she implies that the close bonds that existed in rural districts discouraged prostitution.³

It would be wrong, however, to suggest that prostitution did not occur in rural settings. Arthur J. Engel, for example, argues that students at Oxford evaded university officials by using brothels that were located away from the county town. What comes across from his work is that prostitution in rural districts had a more clandestine character than it did in larger urban centres.⁴ Clearly, there is an opportunity for this chapter to look at how local socio-economic conditions affected criminal activity in the two regions under study in this thesis. Paul Hastings has made some inroads into this area of research in his study of crime and public order in Kent.⁵ He notes for example, that prostitution was rife in the districts surrounding the barracks and naval dockyards at Chatham, Deptford, Sheerness and Woolwich.⁶ Whilst there is much to admire in his work, it is let down by the fact that he does not really explain why women turned to prostitution. His arguments would certainly have been more coherent if he had explored the link between criminality and employment prospects for women in the region in more detail.⁷

A survey of this sort was undertaken by Brian Joyce in the late 1990s.⁸ Joyce's monograph concentrates on prostitution in the garrison and naval districts of Chatham, during the latter part of the nineteenth century. The first part of his study outlines the key social and economic characteristics of the town. This is then used as a basis to explain why certain parts of Chatham

³ Walkowitz, Prostitution and Victorian Society, 22 and 192-5.

⁴ Arthur J. Engel, "'Immoral Intentions': The University of Oxford and the Problem of Prostitution, 1827-1914', Victorian Studies, Vol. 23. No. 1 (1979), 79-107.

⁵ Paul Hastings, 'Crime and Public Order', in Frederick Lansberry (ed.), Government and Politics in Kent, 1640-1940 (Woodbridge: Boydell Press, 2001), 211-48.

⁶ *Ibid*, p. 218.

⁷ See for example: Walkowitz, Prostitution and Victorian Society, *passim*.

⁸ Brian Joyce, The Chatham Scandal A History of Medway's Prostitution in the Late 19th Century (Rochester: Baggins Book Bazaar/Bruce Aubry, 1999), *passim*.

experienced high levels of prostitution.⁹ Joyce argued, rather convincingly, that the dockyards and garrisons dominated the local economy and suggested that this limited the kind of employment opportunities that were open to women in the town. However, he also noted that the large number of servicemen who were stationed in the area provided prostitutes with a willing clientele. Joyce therefore appeared to suggest that prostitution in Chatham was not entirely driven by economic necessity, but instead was also a consequence of financial opportunism.¹⁰ Although Joyce handled his subject matter in a confident manner, his study is undermined by one important flaw. For some reason he chose not to use a recognised system of referencing. Consequently, many of his claims do not stand up to academic scrutiny.¹¹

It is apparent from the above, that there are several ways in which this thesis can contribute to the debate on prostitution and its relationship to nineteenth century socio-economic conditions. However, it is also clear that space limitations restrict the scope of such an inquiry. With these thoughts in mind, this chapter will concentrate on prostitution in the Medway town of Chatham in Kent and the market town of Bicester in north Oxfordshire. There are a number of reasons why these two urban centres were chosen as the focus of this study. Firstly, to ensure that there is a sense of continuity with the previous chapter. It will be remembered that this looked at crime in rural districts surrounding these two towns. In addition, both towns were also among the largest conurbations in Kent and north Oxfordshire during the nineteenth century. This is advantageous, because it will enable this chapter to compare the way that prostitution was shaped by the sort of socio-economic conditions that were found in large urban locations. Yet, it will also be remembered from chapter three, that Bicester and Chatham developed very different social and economic identities as the nineteenth century progressed. Whilst Bicester never moved beyond its status as a modest sized market town, Chatham, aided by the presence of garrisons, naval dockyards

⁹ Ibid, 1-46.

¹⁰ Ibid.

¹¹ For more on this see chapter two of this thesis.

and good transport links to the capital was transformed into one of the largest industrial centres in the south east of England.¹² Clearly, these differences will allow this chapter to consider whether the character of prostitution was affected by the amount of industrial development that occurred in two distinct socio-economic environments between 1830 and 1885.

To achieve these objectives, the first part of this chapter will look at the effect that employment prospects had on prostitution in the two regions. It also seems appropriate to suggest that this survey should also consider whether social boundaries and community politics had any effect on the nature of prostitution in these two territories. A variety of documents including workhouse and court records, census material and prison registers will be used in the course of this investigation. The second section will build on this study, by outlining how Record Linkage can make more use of these documents to offer a more complete insight into how the personal circumstances of offenders was linked to the crimes that they committed. In this way, it will improve on the sort of research that is based on single sources. To this end, it will demonstrate how empirical and personal information that is extracted from different sorts of documents can be drawn together to enhance our understanding of prostitutes and the communities where they lived and worked. In doing so, this chapter will also aim to show the extent to which women in Kent and Oxfordshire relied on prostitution as a makeshift strategy during periods of economic hardship. Of course, such a methodological approach is not without its problems. Many offences for example, went unrecorded. This not only has an effect on the statistical map, but also throws up problems for studies that rely on comparisons over time and between districts.¹³

¹² Alan Armstrong (ed.), The Economy of Kent (Woodbridge: Boydell and Brewer Ltd, 1995), *passim* and Mary D. Lobel and Gwendoline H. Dannatt, Victoria County History: County of Oxford Volume VI (London: Institute of Historical Research, (OUP), 1959), *passim*.

¹³ For more on the effect that the 'dark figure' can have on statistics see: Clive Emsley, Crime and Society in England 1750-1900 (London: Longman, 1996), p. 24.

For the present study this presents a number of problems. Not least is the difficulty of uncovering the true scale of prostitution in the two areas under study. Furthermore, the process of Record Linkage is made more difficult because some of the records for the Medway Union have not survived intact.¹⁴ These problems, however, are not insurmountable, since record coverage for unions in the immediate neighbourhood is good. These records will allow this chapter to establish whether there were any links between prostitution and the sort of relief practices that were commonly in use across the Medway basin. Moreover, the process of Record Linkage actually encourages the user to draw on a wide variety of documents. In doing so, it eliminates many of the problems that are bound up in studies that rely on data gathered from single sources.

Population Growth, Labour Markets and Prostitution

It should be clear from the investigations already carried out in this thesis that the economies of the Medway basin and rural districts of north Oxfordshire developed in different ways as the nineteenth century progressed. Although some signs of modernity began to pervade the character of the Ploughley Hundred during the middle years of the century, it is clear the economy of the region was still heavily reliant on agriculture in the late 1880s.¹⁵ However, a severe downturn in the agrarian economy during the second half of the century saw village populations in the area decline sharply.¹⁶

¹⁴ For example, Indoor Relief Lists for the Medway Union, 1848-1855, 1857-1859, 1860-64 and 1865-67 are in need of restoration and are awaiting transfer to microfilm. The chief archivist at Strood has therefore decided to remove them from the catalogue of documents that are available to the public.

¹⁵ In 1845 gas lighting was introduced into Bicester, a year later Shillingford's brewery established a presence in the town and in 1851, the rail link between Oxford and Bletchley was finished and a new station opened in the London Road. For more on this see: Lobel and Dannatt, Victoria County History, p. 40.

¹⁶ Figures arrived at by comparing census figures for 1851 and 1881. For more on this see: Population Tables, 1851, Part I. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851.

In contrast, the nineteenth century marked a period of rapid growth in the Medway basin. Census figures for example, show that there had been a nearly threefold increase in the population living around Chatham and Gillingham between 1801 and 1881. Over the same period, the population living in the Borough of Maidstone increased by more than twenty one thousand inhabitants.¹⁷ In spite of this expansion, labour markets in the region were generally geared towards males.¹⁸ Females on the whole earned their living from low paid work like domestic service, agriculture and dressmaking. Nearly a quarter of a million women in Kent were classed as having no particular occupation.¹⁹

A closer examination of the census figures reveals some marked differences between the demographic makeup of the Medway towns and the Bicester Union. In 1881, there were just over fourteen thousand individuals living in the north Oxfordshire district. The division of the sexes ran roughly along equal lines. Similarly, there was little variation between the number of females and males in the twenty to forty year old age range. What is striking, however, is that the proportion of unmarried women aged between fifteen and twenty was somewhat lower than the number of males of the same age. The highest ratio of unmarried males to females was represented by the fifteen to twenty five year old age group. Within this sub-group there were 1,184 unmarried males to just

Volume I. Report, England and Wales, I-VII; Area and Population, Division III, 1-84. [Microfilm number: 57. 616-24; Parliamentary Papers] and Census of England and Wales 1881 Volume, Area, Houses and Population, 305-14. [Microfilm number: 89.643-8; PP.]

¹⁷ William Page (ed.), The Victoria History Of The County Of Kent (London: St. Catherine Press, 1932), 360-70.

¹⁸ J.D. Crawshaw, The History of Chatham Dockyard Volume I (Newcastle upon Tyne: Isobel Garford, 1999) and Alfred, H. Shorter, Paper Making in the British Isles An Historical and Geographical Study (Newton Abbott: David and Charles, 1971). Also see: F.G. Willmott, Cement Mud and Muddles A History of the A.P.C.M. Barges (Kent: Frank G. Willmott, 1977).

¹⁹ Census of England and Wales, 1881 Volume III, (Age, Condition as to Marriage, Occupation and Birth Place), 56-63. [Microfilm number 89.657-62; PP.]

1,005 single females.²⁰ These findings are clearly in line with more general trends. Steven King and Geoffrey Timmins for example, have argued that there was a significant drop in the average marital age of women during the first years of the nineteenth century. They suggested that this fall occurred not only because there was a steep decline in the number of women who wed after the age of thirty, but because there was an increase in the number who married around the age of twenty.²¹

It is doubtful, however, whether this was the only reason why the differences in the fifteen to twenty five year old age group were so marked in the Ploughley Hundred. It will be remembered that a considerable amount of outward migration took place during the second half of the nineteenth century because of the depressed state of agriculture in the region.²² Those who stayed clearly faced some difficult choices in an uncertain labour market. It is argued therefore, that an early marriage might have appealed to many young women, in an area where demands for female labour fluctuated with the seasons.²³ Friedlander and Mosche have used a similar argument to explain early marriage rates in mining districts. They note:

It has been shown that high nuptiality levels were functionally related to the special employment conditions in mining communities. More specifically, the health risks involved shortened a man's working life and led to a reduction in family earnings at a relatively early age. In addition, female employment opportunities were very limited

²⁰ Ibid, 82-96.

²¹ Steven King and Geoffrey Timmins, Making Sense of the Industrial Revolution: English Economy and Society 1700-1850 (Manchester: Manchester University Press, 2001), p. 214.

²² For more on this see: Population Tables, 1851, Part I. [Microfilm number: 57.616-24; PP] and Census of England and Wales 1881 Volume, Area, Houses and Population. [Microfilm number: 89.643-8; PP.]

²³ Gregory Clark, 'Farm Wages and Living Standards in the Industrial Revolution: England 1670-1869', The Economic History Review, Vol. 54, No. 3 (2001), 477-505.

in these areas so that participation of wives in the labour force was low. As a response to these conditions, couples contracted marriages at particularly young ages.²⁴

Early marriages naturally improved a couple's chances of conceiving a son. Friedlander and Mosche suggest that sons contributed to the long-term economic success of labouring households. Therefore, male heirs were seen as an important asset because they were often able to take on the role of family breadwinner, if a father saw his earning potential dwindle with age.²⁵

Clearly, there are many parallels between Friedlander and Mosche's work on mining communities and the difficulties that labouring households in more rural areas experienced at various stages of the life cycle.²⁶ It would perhaps not be unreasonable to expect nuptiality rates in the Medway basin and Ploughley Hundred to be similar, since the livelihoods of a large proportion of the female labour-force in Kent were derived from low skilled occupations.²⁷ Instead, some considerable areas of difference emerge when the two regions are compared.

In 1881, nearly sixty two thousand individuals were registered as living in the Medway region. The census records show that there were more than two and a half thousand more men than women across all age groups. Furthermore, the gender divide was particularly pronounced, when broken down into the sub-group of fifteen to thirty five year olds. Here there were over three thousand more males than females.²⁸ In spite of these figures it is clear that there were a

²⁴ Dov Friedlander and Eliahu Ben Moshe, 'Occupations, Migration, Sex Ratios, and Nuptiality in Nineteenth Century Communities: A Model of Relationships', Demography, Vol. 23, No. 1 (1986), p. 10.

²⁵ Ibid.

²⁶ Steven King, Poverty and Welfare in England 1700-1850: A Regional Perspective (Manchester: Manchester University Press, 2000), 127-34.

²⁷ Census of England and Wales 1881 Volume III, p. 31. [Microfilm number: 89.657-62; PP.]

²⁸ Ibid, p. 31.

considerable number of single young women living within the bounds of the Medway Union, at a time when the majority of females in the region still earned their living from low paid occupations like dressmaking, domestic service and agriculture.²⁹ It is precisely this category of women that Walkowitz suggested made up a large percentage of the prostitute population in Plymouth and Southampton during the nineteenth century. She argued that economic necessity and occupational dislocation were major contributing factors behind the profession in these districts. To support her claims she noted that women who worked in low paid occupations rarely earned more than six to eight shillings a week.³⁰ Moreover, she observed that:

Much of this work was highly casual, structured around the demands of the local season and the provisioning trade. If living outside their families, these women were subject to periodic layoffs, and hard pressed to survive on their own without a “friend”. Placed in a vulnerable economic and social position, some women who could not rely on family, relatives, or lovers may have found the shorter hours and better pay of prostitution a temporary and relatively attractive solution to their immediate difficulties.³¹

It is clear from the above remarks that a particular set of economic circumstances contributed to high levels of prostitution in towns on the south coast. The different socio-economic conditions which marked the economies of Oxfordshire and the Medway Valley during the last decades of the nineteenth century no doubt account for some significant variations in the levels of indictments for

²⁹ In fact the records show there were 8,187 unmarried males, to 5,088 unmarried females within this age group. For more on this see: Ibid, p. 51.

³⁰ Walkowitz, Prostitution and Victorian Society, 194-5.

³¹ Ibid, p. 195.

prostitution in the two regions. Certainly, there is little evidence of the trade in the court records of the Ploughley Hundred.

Even so, it is clear from local newspapers that at least a few women worked as prostitutes in the area. Elizabeth Maw for example, appeared before magistrate in Bicester on the 5th July 1858. She was accused of 'being a common prostitute, and with being, between eleven and twelve o'clock on Saturday night last, drunk and behaving in an indecent manner'.³² Similarly, on the 16th October, 1874, David Keen was accused of stealing money from Mary Ann King. The Plaintiff, who failed to attend the hearing, was identified as a 'common prostitute'. The case against Keen was eventually dismissed after the prisoner alleged that he had simply been trying to recover money that King had stolen from him.³³ In spite of there being little evidence to suggest that prostitution was a significant problem in Bicester and the surrounding countryside, it is apparent that prostitutes were active in many towns across Oxfordshire and that the authorities were often irritated by their presence. This argument is certainly supported by Arthur J. Engel's work on prostitution in Oxford.³⁴ Much of Engel's survey is concerned with how the university used special powers conferred by parliament to control the trade within the city precincts. Consequently, it is not directly relevant to the investigation being carried out here. However, two of Engel's observations warrant further attention. Firstly, that many of the women who were involved in prostitution in Oxford were not natives of the city, but instead got caught up in the trade after migrating from dormitory towns in search of work.³⁵ Secondly, Engel claimed that students from Oxford, used brothels and lodging houses in towns like Bicester because they were beyond the jurisdiction of the university officials.³⁶

³² Jackson's Oxford Journal, (July 17, 1858).

³³ Jackson's Oxford Journal, (October 24, 1874).

³⁴ Engel, "Immoral Intentions", 79-107.

³⁵ *Ibid*, p. 85.

³⁶ *Ibid*, 94.

Clearly, both of these arguments help to explain why there is little evidence of prostitution in districts surrounding the Ploughley Hundred. Certainly, there would be little trace of the women who engaged in the practice if they were apprehended and convicted in other districts.³⁷ It is also apparent from Engel's study that prostitutes were working in brothels in the Bicester area. However, offences relating to prostitution are conspicuously absent from the court books of the Ploughley Hundred. This perhaps suggests that the women who worked as prostitutes did little to provoke the authorities in the same way as if they had worked as streetwalkers.³⁸ There is certainly a solid body of evidence to suggest that brothels were located in towns within a short distance of Bicester. For example, on the 13th September 1852, a 'young man, named Randle' complained to magistrates in Banbury about the 'disorderly conduct of his neighbours' in Blue Pig-yard. He alleged that they were 'the inmates of a brothel'. The report notes that 'the police were directed to keep an eye on the house'.³⁹ Similarly, a suspicious death occurred in a beer-house in Aylesbury in 1855. A local newspaper described the event in the following way:

The beer-house, which is know by the sign of the "Valiant Soldier" has been kept for some considerable time past by Elizabeth Allen, a widow, about forty years of age, and has been the resort of the worst characters in the locality. The building, which is new, forms three sides of a square, and has been divided into three different departments; one side being used as a beer-house, another as a lodging house, and the third as a brothel.⁴⁰

³⁷ A database of 100 prostitutes working in Oxford suggests more than half came from outside of the city. For more on this see: Engel, "Immoral Intentions", p. 86.

³⁸ For more on how streetwalkers were controlled by the authorities, see: Henderson, Disorderly Women, 68-75.

³⁹ Jackson's Oxford Journal, (September 18, 1852).

⁴⁰ Jackson's Oxford Journal, (November 3, 1855).

One naturally needs to be a little suspicious about whether all of the details that appear in this account are wholly factual. For example, it is possible that the reporter embellished certain facts for the entertainment of his readers. Even so, the article still raises questions about why the authorities chose not to disturb a place that had such a poor reputation. One possible reason for their tolerance is that they saw brothels as an effective way of containing a problem. In turn, it is argued that they were prepared to accept a certain amount of vice, so long as it did not compromise public order. Similar arguments have been used by Walkowitz to explain differences between the continental system of strict regulation and the more informal practices that were adopted by the English in the 1860s and 1870s.⁴¹ In addition, it is apparent that other factors were also at play. For example, it is evident that social bonds were more pronounced in rural districts like the Ploughley Hundred. Walkowitz has suggested that closer communal ties encouraged self regulation within traditional rural communities. Moreover, she has also noted that whilst young couples in these areas no doubt still engaged in premarital sex, their courtships often culminated in marriage. In contrast, she observed that this was not the case in port towns and larger urban centres. Instead, Walkowitz suggested that these places offered greater anonymity to a largely transient male population and argued that this contributed to the high levels of prostitution that were found in settings like this.⁴²

An alternative viewpoint is offered by Heather Shore in her study of makeshift economies. She concluded that communities in large urban centres were often more accepting of prostitutes and other petty criminals.⁴³ This perspective shares much common ground with Thompson and Bohstedt's work on the moral economy of crowds. Although their studies are primarily concerned

⁴¹ Walkowitz, Prostitution and Victorian Society, 14 and 24.

⁴² Ibid, p. 22.

⁴³ Heather Shore, 'Crime, Criminal Networks and the Survival Strategies of the Poor in Early Eighteenth-Century London', in Steven King and Alannah Tomkins (eds.), The Poor in England 1700-1850 (Manchester: Manchester University Press, 2003), 137-65. Similar thoughts have also been expressed by Emsley, Crime and Society, 69-70.

with the politics of eighteenth and early nineteenth century protests, it is evident there were clear distinctions in the way groups behaved in urban and rural environments.⁴⁴ Bohstedt, like Walkowitz suggested that close social bonds enabled rural communities to act in a cohesive manner.⁴⁵ In contrast he argued that relationships were less reciprocal in large towns and cities. As a consequence, individuals found it more difficult to challenge behaviour that they found unacceptable.⁴⁶ By extension it seems likely that community politics might also explain why prostitution was less visible in rural districts like the Ploughley Hundred, than it was in a more urbanised area like Chatham. It is certainly clear that the process of industrialisation weakened the kind of communal ties that dictated how society should act. Conversely, it is apparent that behaviour that fell outside of the social norms would not have been tolerated by the kind of traditional communities that were found in the Ploughley Hundred, even towards the end of the nineteenth century.⁴⁷ Heather Shore seems to share these sentiments. She has noted that there was often considerable overlap between 'deviant' and 'normal life' in large towns and cities.⁴⁸ A similar point has also been made by Paul Griffiths who has argued that a neat divide did not exist between the world of criminals and citizens in early modern London.⁴⁹

There are certainly more obvious signs that prostitution posed considerable problems for the authorities in the Medway basin during the second half of the nineteenth century. Brian Joyce for

⁴⁴ E.P. Thompson, Customs in Common (London: Penguin, 1993), 233-5 and John Bohstedt, Riots and Community Politics in England and Wales 1790-1810 (Cambridge: Harvard University Press, 1983), *passim*.

⁴⁵ Walkowitz, Prostitution and Victorian Society, p. 22.

⁴⁶ Bohstedt, Riots and Community Politics, p. 203.

⁴⁷ Martin Gorsky, "James Tuckfield's Ride": Combination and Social Drama in Early Nineteenth-Century Bristol', Social History, Vol. 19, No. 3 (1994), p. 338. Also see Lobel and Dannatt for their account of industrialisation and its effect on the parishes which made up the Ploughley Hundred. Lobel and Dannatt, Victoria County History, *passim*.

⁴⁸ Shore, 'Crime, Criminal Networks', in King and Tomkins (eds.) The Poor in England, p. 141.

⁴⁹ *Ibid*, 141-2.

example, has apportioned much of the blame for the high levels of vice in the *Old Brompton* district of Chatham, on the expansion of the dockyard in the 1860s.⁵⁰ It is apparent, however, that this particular area of the town had acquired a considerable reputation for disorderly behaviour long before this time. In 1829, magistrates at Chatham prepared a draft decree, setting out the action that they were prepared to take against inn-keepers if they continued to encourage prostitution on their premises (see Figure 6.1).⁵¹ Several things are clear from their statement of intent. Firstly, that the Chatham authorities believed inn-keepers were partly responsible for the spread of prostitution in the town. It seems that this belief was not unfounded. Both Walkowitz and Joyce have drawn attention to the frequency with which lodging houses and pubs were used as a place of rendezvous for prostitutes and their clients.⁵² However, it is also apparent that the stricter enforcement of licensing laws discouraged some inn-keepers from renting out rooms to women who worked as prostitutes.⁵³

Documents of the sort described above are clearly useful, since they give an insight into the kind of strategies that magistrates used to combat prostitution in Chatham during the first half of the nineteenth century. Moreover, they provide a glossary of the various terms used by contemporaries to describe the women who engaged in the trade. Such commentaries are of course invaluable, since they make it easier to understand and decipher the language which was used in a wide range of official documents and to evaluate how it altered over time.⁵⁴ What is particularly striking about the magistrates' decree is that there is no mention of prostitution. Instead the document

⁵⁰ Joyce, *The Chatham Scandal*, p. 2.

⁵¹ Draft Decree of an Order Made by The Chatham Magistrates Regarding Prostitution in Old Brompton. [Document number: PS/NA/72/6; Medway and Local Studies Centre, Strood, Kent.]

⁵² Joyce, *The Chatham Scandal*, p. 21.

⁵³ Walkowitz, *Prostitution and Victorian Society*, p. 24.

⁵⁴ Mary Maynard, 'Linda Mahood: The Magdalenes: Prostitution in the Nineteenth Century', *Labour History Review*, Vol. 56, No. 1 (1991), 66-7.

not better be known
on "Prostitution"
Chatham

At a Petty Session of His Majesty's Justices
of the peace acting in and for the North Division
of the South of Mylesford in the County of Kent
holden at the Six John Talstaff Inn at Higham
within the said Division on the 24th day of July
1829. —

It having been represented to this Session that there has
of late taken place a great increase of open vice and
immorality in the Town of Chatham and village of —
Brompton through the great number of women of ill-
fame and their Associates who are received and entertained
by sundry of the Alehousekeepers in the said town and village.

Ordered that public notice be forthwith given —
through the said town and village, that upon complaint
exhibited and due proof made before the said Justices —
against any loose and disorderly women of any —
immorality lewdness or indecency committed by them such
women will be punished as the law directs.

And further ordered that Notice be ^{also} forthwith
given to the several Alehousekeepers within the said Town
and Village that if complaint should be exhibited and due
proof made before the said Justices that any loose or
disorderly women or their associates are received or —
entertained in the house of any such Alehousekeeper the
Offender will be proceeded against according to the directions
of the Statute.

By order of the Justices
Twopenny & Osell Clerks

Figure 6.1: Chatham Magistrates' Draft Decree on Prostitution, 1829

concentrates on modes of behaviour and in doing so calls into question the reputation and moral character of a certain class of women.⁵⁵

The laws that were used against prostitutes certainly reflected the language that was used in records of this sort. Prostitutes were charged under legislation that was originally intended to suppress vagrancy.⁵⁶ This discrepancy was not rectified, even after new legislation was introduced in 1824. For instance, section 3 of the 1824 *Vagrancy Act* stated that:

Every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent manner...shall be deemed an idle and disorderly person.⁵⁷

Soon after the new act was introduced, authority figures began to raise concerns about how it would work in practice. The solicitor acting on behalf of the Vice Chancellor of Oxford University for example suggested it had two key weaknesses. Firstly, that there would be too few incidents of *riotous* behaviour among prostitutes to warrant the inclusion of this particular clause in the new act. More importantly, he also suggested it was not easy to define *indecent conduct* and in doing so argued that the new piece legislation would do little to deter prostitutes from working in Oxford.⁵⁸

The lack of clarity surrounding the 1824 Act certainly makes it more difficult to accurately gauge the true extent of prostitution in the two regions under study in this chapter. Clearly there is

⁵⁵ Draft Decree of an Order Made by The Chatham Magistrates. [Document number: PS/NA/72/6; MLSC.]

⁵⁶ Robert Humphreys, No Fixed Abode: A History of Responses to the Roofless and the Rootless in Britain (England: Macmillan Press Ltd, 1999) p. 81.

⁵⁷ Abraham A. Sion, Prostitution And The Law (London: Faber and Faber Ltd, 1977), p. 89.

⁵⁸ Engel, "Immoral Intentions", p. 81.

no way of knowing whether females who were charged under the Vagrancy Act were prostitutes unless they were identified as such in the records. It also follows, that the records might in fact cloud the real number of prostitutes and vagrants who were brought before the courts. Any study of prostitution is made more difficult because court documents often contain little information about the socio-economic circumstances of offenders. Consequently, it is harder to determine whether the actions of particular individuals were in any way influenced by poverty.⁵⁹

Record Linkage and Prostitution

Some of these problems can be avoided if information from a variety of sources is brought together to create socio-economic profiles of offenders and communities. However, the success of this technique depends largely on the availability of source material. Unfortunately, insufficient poor law records and police reports have survived for the Medway region to allow comprehensive profiles of either offenders or communities to be constructed for the first half of the nineteenth century. However, during the 1860s, legislation was introduced by parliament to curtail the activities of prostitutes in naval and garrisons towns. In response to the Contagious Diseases Acts, there was an upsurge in the amount of information that was generated by government departments and authority figures on all matters relating to prostitution.⁶⁰ The next part of this chapter will therefore outline how the empirical and personal information that these different sorts of documents contain can be used to enhance our understanding of the link between prostitution and the socio-economic conditions that existed in particular localities within the Medway basin, during the last decades of the nineteenth century.

⁵⁹ David Phillips, Crime and Authority in Victorian England (London: Croom Helm Ltd, 1977), 17-8.

⁶⁰ F.B. Smith, 'The Contagious Diseases Acts Reconsidered', Social History of Medicine, Vol. 3, Number 2 (1990), 197-215.

During the 1860s, parliament introduced three separate acts to make it easier for the authorities to control the problem of prostitution in eighteen garrison and naval districts in the south of England. F.B. Smith has noted that the:

Acts of 1864, 1866 and 1869 provided for the compulsory examination by a naval or military surgeon of a women believed by a special police superintendent sworn before a magistrate to be a 'common prostitute'...If the woman was diagnosed as venereally [sic] diseased, she became liable to detention on the order of two magistrates in a lock ward, and by 1869, to detention for up to one year and to regular fortnightly inspection. She had no right of appeal and no recourse to habeas corpus.⁶¹

The first of the Contagious Disease Acts was only partially in operation in Chatham in 1865. We can be certain that one reason why the authorities were slow to use the law to its full effect was because there was insufficient hospital accommodation in the town.⁶² Prostitutes from Chatham were treated in a small lock wing at St. Bartholemew's in Rochester.⁶³ It is apparent from correspondence that passed between the hospital trustees and the admiralty that the government was already thinking of establishing lock hospitals in districts where military and naval installations existed towards the end of the 1850s. Moreover, it is clear from a letter that was sent to the Lords

⁶¹ Ibid, p. 197.

⁶² Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 14. [Document number: 88.439-40; PP.]

⁶³ Joyce, The Chatham Scandal, p. 72.

Commissioners that the Chatham authorities had made little progress in resolving the problem of prostitution since the magistrates had drawn up their decree some thirty years earlier.⁶⁴

A series of reports that were produced for the Assistant Commissioner of the Metropolis, contain important details about prostitution in the eighteen districts covered by the Contagious Diseases Acts.⁶⁵ Of course there is insufficient space here to discuss them in detail. However, much can be gleaned from the Assistant Commissioner's report for the year 1881, about prostitution in the maritime and garrison town of Chatham.⁶⁶ Two summary tables are of particular interest (see Figures 6.2a and b), because they provide details about the age and numbers of prostitutes who were subjected to inspections under the terms of the Contagious Diseases Acts.⁶⁷ Figure 6.2a, for instance, shows that 2,644 women were registered as prostitutes in the town between 1865 and 1881. This suggests that around 155 new cases were brought to the attention of the authorities during each of the seventeen years covered by the records. It is also evident from column 2, that the number of women who re-registered as prostitutes increased substantially after 1870, when a Lock Hospital with 88 beds opened at Chatham.⁶⁸ The figures also suggest the indignities of inspection did not deter these women from returning to their former occupation.⁶⁹

Another table that is included in the same report shows the known age of women who were registered as prostitutes (see Figure 6.3).⁷⁰ Several things are clear from this report. Firstly, that the

⁶⁴. Ibid, 72-3 and Draft Decree of an Order Made by The Chatham Magistrates Regarding Prostitution in Old Brompton. [Document number: PS/NA/72/6; MLSC.]

⁶⁵ F.B. Smith, 'The Contagious Diseases Acts Reconsidered', p. 197.

⁶⁶ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p.14. [Document number: 88.439-40; PP.]

⁶⁷ Ibid, 8-9 and 16.

⁶⁸ Ibid, 8-9 and Joyce, The Chatham Scandal, p. 79.

⁶⁹ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 8-9. [Document number: 88.439-40; PP.]

⁷⁰ Ibid, p. 16.

majority of women who were registered as prostitutes in Chatham, were aged between twenty one and twenty six.

However, it is also evident that a considerable number of females, some as young as sixteen were also involved in the profession. It will be remembered that a large proportion of the single female population living in the Chatham area at this time fell within this age range.⁷¹ Moreover, the figures indicate that there was a steep increase in the number of girls who worked as prostitutes after the age of eighteen.⁷² Walkowitz suggests that this was not unusual, arguing that prostitutes often admitted they had their first sexual experience at around the age of sixteen.⁷³

Although the Assistant Commissioner's report appears to offer some clear insights into the scale of prostitution in the Medway area, there are several reasons why the statistical information it contains should be treated with care. Firstly, the Chatham Lock Hospital received females from several towns in the Medway region.⁷⁴ It seems likely therefore, that these women boosted the number of registered prostitutes at Chatham. Moreover, the figures only reflect the number of prostitutes who were actually detained under the terms of the Contagious Diseases Acts. Clearly, records will not exist if the police showed discretion because their attention was directed elsewhere, or if they lacked the resources or the will to arrest known prostitutes.⁷⁵ Added to this "dark figure"

⁷¹ Census reports show there were 4252 single females between the ages of fifteen and twenty-five living within the bounds of the Medway Union in 1881. For more on this see: Census of England and Wales 1881 Volume III, p. 51. [Microfilm number: 89.657-62; PP.]

⁷² Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 16. [Document number: 88.439-40; PP.]

⁷³ Walkowitz, Prostitution and Victorian Society, p. 17.

⁷⁴ Prostitutes from Sheerness, Maidstone and Gravesend were also sent to the Lock hospital at Chatham. For more on this see: Joyce, The Chatham Scandal, p. 79.

⁷⁵ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 21. [Document number: 88.439-40; PP.]

No. 1.—RETURN showing the Number of known Common Women coming within

DISTRICTS.	Year.	REGISTRATIONS.							REMOVALS.					Total Number of Individual Women remaining on the Register.	Total Number of known Common Women at the time the Acts were first put in Operation, as also the Number of known Common Women on the 31st December of each succeeding Year.		
		Number of Individual Women Registered for the First Time during the Year.	Number of Cases in which Women, removed from the Register during the Year, were Re-registered.					Total Number of Individual Women Registered for the First Time during the Year, including each Case in which Women have been Re-registered.	Number of Individual Women remaining on the Register on the last Saturday of preceding Year.	TOTAL.	Number of Cases in which Women were Removed from the Register.						
			First Time.	Second Time.	Third Time.	Fourth Time.	Fifth Time.				Left the District.	Married.	Entered Homes.			Returned to Friends.	Died.
		(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)	(9.)	(10.)	(11.)	(12.)	(13.)	(14.)	(15.)	(16.)
CHATHAM	1865	216	-	-	-	-	-	216	-	216	12	-	-	-	-	204	220
	1866	105	2	1	-	-	-	108	204	312	33	-	-	-	-	279	279
	1867	34	13	7	-	-	-	54	279	333	40	-	11	17	-	265	265
	1868	49	18	7	1	1	-	76	265	341	32	-	24	46	1	238	238
	1869	137	25	12	2	-	-	176	238	414	52	-	30	42	3	287	287
	1870	261	34	10	6	1	-	312	287	539	272	4	14	24	4	281	281
	1871	189	50	7	3	-	-	249	281	530	242	3	30	46	6	203	203
	1872	173	85	8	1	1	1	269	203	472	224	2	8	44	2	192	192
	1873	150	48	2	-	-	-	200	192	392	126	8	14	67	5	172	172
	1874	212	38	5	-	-	-	255	172	427	149	9	18	53	8	190	190
	1875	151	51	2	-	-	-	204	190	394	150	6	8	51	4	175	175
	1876	122	40	6	1	-	-	169	175	344	119	12	9	52	5	147	147
	1877	201	45	3	1	-	-	250	147	397	138	6	10	71	2	170	170
	1878	184	54	5	-	-	-	243	170	413	115	8	12	109	3	166	166
	1879	162	42	5	1	-	-	210	166	376	97	1	10	111	2	155	155
	1880	164	41	6	1	-	-	212	155	367	75	4	15	108	1	164	164
	1881	145	54	11	1	-	-	211	164	375	93	2	14	115	1	150	150

Figure 6.2a: Extract from the Assistant Commissioner of the Metropolis' Report, 1881.

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the Provision of the Contagious Diseases Acts, &c.—*continued.*

	MEDICAL EXAMINATIONS.						HOSPITAL.				SUMMONSES.				Average Number of Women on the Register.	PER-CENTAGES.				REMARKS.
	Number of Individual Women who attended for Medical Examination.	Number of Cases in which Women signed the Voluntary Submission Form, to attend for Medical Examination for a prescribed Period.	Number of Cases in which Women received a Magistrate's Order to attend for Medical Examination for a prescribed Period.	Number of Cases in which Women were Examined by the Visiting Surgeon, and found to be	Free from Disease.	Diseased and admitted into Hospital.	TOTAL.	Number of Cases in which Women were Discharged from Hospital Cured, and still continue to follow former Pursuits.	Number of Cases in which Women were Discharged from Hospital, and returned to Friends, &c.	Number of Cases in which Women were Discharged from Hospital Incurable.	Total Number of Individual Women remaining in Hospital.	Number of Cases in which Women were proceeded against by Information before the Magistrates for Non-submission to Acts.	Number of Cases in which Women were proceeded against by Summons for not attending Medical Examination, after signing Voluntary Submission Form, or receiving Magistrate's Order to attend.	Number of Cases in which Women were proceeded against by Summons for conducting themselves as Prostitutes after being Discharged from Hospital Uncured.		Annual Ratio per Cent. of Cases of Disease, calculated on the Average Number of Women on the Register.	Annual Ratio of Cases of Disease per 100 of Cases in which Women were on the Register.	Ratio of Cases of Disease per 100 of Examinations made by the Visiting Surgeons.		
	(17.)	(18.)	(19.)	(20.)	(21.)	(22.)	(23.)	(24.)	(25.)	(26.)	(27.)	(28.)	(29.)	(30.)	(31.)	(32.)	(33.)			
1	216	-	-	65	147	212	135	-	-	32	-	-	-	(g) 107	249.15	-	69.33	(g) 29 weeks.		
2	309	164	-	162	277	439	256	21	-	32	-	-	-	273	101.46	88.78	63.09			
3	309	450	-	262	463	725	426	12	-	55	-	-	-	274	168.97	139.03	63.86			
4	308	466	-	973	686	1,659	612	85	1	43	-	-	-	254	270.07	201.17	41.35			
5	370	493	-	3,717	697	4,414	630	50	-	60	-	-	-	237	294.09	168.35	15.79			
6	550	533	-	5,276	396	5,672	390	22	-	44	-	-	-	316	125.31	66.11	6.98			
7	464	618	-	4,230	343	4,573	315	49	-	23	2	-	-	232	147.84	64.71	7.50			
8	357	612	-	2,787	452	3,239	395	34	-	46	-	-	-	196	230.61	95.76	13.95			
9	320	587	-	3,072	378	3,450	350	51	-	23	1	3	-	175	216.00	96.43	10.96			
10	369	685	-	3,871	360	4,231	335	34	-	14	1	3	-	193	186.53	84.31	8.51			
11	328	381	-	3,588	311	3,899	281	22	1	21	-	1	-	172	180.81	78.93	7.98			
12	294	419	-	3,411	272	3,683	252	24	-	17	-	1	-	164	165.85	79.07	7.39			
13	330	570	1	2,900	412	3,312	370	27	-	32	2	9	-	162	254.32	103.78	12.44			
14	325	535	1	3,054	336	3,390	294	45	1	28	3	1	-	162	207.41	81.36	9.91			
15	321	490	-	3,193	327	3,520	285	46	1	23	3	6	-	162	201.85	86.97	9.29			
16	303	473	-	3,138	332	3,470	300	39	-	16	5	3	-	160	207.50	90.46	9.57			
17	304	534	-	3,194	357	3,551	316	40	-	17	-	3	-	163	219.02	95.20	10.05			

Figure 6.2b: Extract from the Assistant Commissioner of the Metropolis' Report, 1881.

REPORT ON THE OPERATION OF THE

No. 2.—RETURN showing the Ages of Known Common Women in the Undermentioned Districts, &c.—*cont^d*.

DISTRICTS.	YEAR.	A G E S.												TOTAL. (13.)
		12 and under 13.	13 and under 14.	14 and under 15.	15 and under 16.	16 and under 17.	17 and under 18.	18 and under 19.	19 and under 20.	20 and under 21.	21 and under 26.	26 and under 31.	31 and over.	
		(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)	(8.)	(9.)	(10.)	(11.)	(12.)	
CHATHAM . . .	1865	—	—	—	—	3	9	18	22	25	82	49	12	220
	1866	—	—	—	—	4	21	32	29	27	114	40	12	279
	1867	—	—	—	—	2	16	38	21	24	108	43	13	265
	1868	—	—	—	—	3	10	31	23	28	96	32	15	238
	1869	—	—	—	—	2	15	35	30	25	119	45	16	287
	1870	—	—	—	—	2	14	39	32	22	97	64	11	281
	1871	—	—	—	—	1	2	10	20	25	81	54	10	203
	1872	—	—	—	—	1	4	15	16	34	74	38	10	192
	1873	—	—	—	—	—	—	4	12	16	76	43	21	172
	1874	—	—	—	—	—	—	4	10	16	89	41	30	190
	1875	—	—	—	—	—	1	2	6	12	84	42	28	175
	1876	—	—	—	—	—	2	4	4	8	69	30	30	147
	1877	—	—	—	—	1	—	9	13	7	62	45	33	170
	1878	—	—	—	—	1	1	3	9	14	62	41	35	166
	1879	—	—	—	—	2	5	6	9	14	57	38	24	155
	1880	—	—	—	—	2	3	11	6	15	54	42	31	164
	1881	—	—	—	—	—	7	7	13	7	45	39	32	150

Figure 6.3: Extract from the Assistant Commissioner of the Metropolis' Report, 1881

are cases that were never detected because the women themselves were careful to operate away from prying eyes.⁷⁶

Setting aside these concerns, it is still clear that the Assistant Commissioner's report contains a considerable amount of valuable information about the prostitute community at Chatham. For example, Figure 6.4 suggests that prostitutes not only worked the streets, but also used a variety of buildings including lodging houses, beerhouses, coffee shops and private abodes to entertain their clients.⁷⁷ The different types of accommodation are categorised in the report according to their use. If the figures are to be believed, it is clear that a considerable number of females used their own residence for prostitution. Moreover, the headings for several of the columns suggest the buildings' owners knew their premises were being used for this purpose.⁷⁸ The following examples, taken from Columns 2 and 13 respectively, support these points further:

Where Common Women did not Reside, but were provided with Accommodation for
the Purpose of Prostitution

Private Houses in which Accommodation was indiscriminately provided to All
Comers for the Purpose of Prostitution.⁷⁹

⁷⁶ For more on the effect the 'dark figure' can have on statistics see: Emsley, Crime and Society, p. 24.

⁷⁷ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 21. [Document number: 88.439-40; PP].

⁷⁸ Ibid.

⁷⁹ Ibid.

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No. 3.—RETURN of the Number of Public-houses, Beerhouses, Brothels, &c.—continued.

DISTRICT.	Year.	PUBLIC HOUSES.				BEERHOUSES.				BROTHERLS.						
		Where Common Women Resided, and were provided with Accommodation for the Purpose of Prostitution. (1.)	Where Common Women did not Reside, but were provided with Accommodation for the Purpose of Prostitution. (2.)	Other. (3.)	TOTAL. (4.)	Where Common Women Resided, and were provided with Accommodation for the Purpose of Prostitution. (5.)	Where Common Women did not Reside, but were provided with Accommodation for the Purpose of Prostitution. (6.)	Other. (7.)	TOTAL. (8.)	Licensed to sell Beer not to be Drunk on the Premises.* (9.)	Public-houses. (10.)	Beerhouses. (11.)	Private Houses in which Women Resided, and practised Prostitution. (12.)	Private Houses in which Accommodation was indiscriminately provided to All Comers for the Purpose of Prostitution. (13.)	Others, Coffee-houses, &c. (14.)	TOTAL. (15.)
CHATHAM -	1865	28	10	162	200	25	4	149	178	6	38	29	45	-	-	112
	1866	28	10	162	200	25	4	148	177	4	38	29	45	-	-	112
	1867	28	9	163	200	25	12	149	176	5	37	27	50	-	-	123
	1868	28	9	163	200	25	12	149	176	4	37	27	61	-	-	126
	1869	28	7	166	201	23	1	151	175	5	35	24	62	-	-	128
	1870	28	8	165	201	23	-	150	173	5	36	23	57	-	-	116
	1871	27	9	165	201	13	-	160	173	5	36	13	31	-	1	81
	1872	27	10	155	192	11	1	175	187	5	37	12	16	-	3	68
	1873	17	9	172	198	9	1	178	188	5	26	10	43	-	4	83
	1874	15	6	173	194	7	-	178	185	5	21	7	41	-	3	72
	1875	12	5	172	189	6	1	177	184	6	17	7	43	-	6	73
	1876	1	7	181	189	1	6	177	184	6	8	7	43	2	4	64
	1877	5	3	193	201	6	1	183	190	6	8	7	52	2	3	72
	1878	6	2	189	197	6	1	171	178	10	8	7	46	3	2	66
	1879	4	3	196	203	3	1	172	176	13	7	4	60	3	2	76
	1880	12	4	187	203	3	1	177	181	13	16	4	59	2	3	84
	1881	5	3	195	203	1	-	182	183	12	8	1	50	4	-	63

Figure 6.4: Extract from the Assistant Commissioner of the Metropolis' Report 1881.

Several other things are also evident from Figure 6.4. Firstly, that there was a sharp decrease in the number of beer-houses and public houses that were used for prostitution between 1870 and 1881. At the beginning of the 1870s the authorities suspected thirty six public houses were being used to harbour prostitutes. By 1881 this number had dropped by more than seventy five percent. Similarly, the number of beer-houses that provided accommodation to prostitutes fell from a high of twenty three to just four in 1880.⁸⁰ Remarks in the preface of the Assistant Commissioner's report, suggest that this decrease was partly due to the authorities at Chatham placing a number of public buildings under surveillance.⁸¹ Moreover, the report's authors noted that 'strict observation...no doubt...deterred many women of doubtful character from resorting thereto for fear of being brought under the provisions of the Acts'.⁸² This claim was certainly not without foundation, since the period of decrease coincided with the opening of the lock hospital at Chatham.⁸³

However, it is clear that the authorities' efforts were not entirely successful in eradicating the problem of prostitution at Chatham. Instead, it seems the surveillance operations encouraged prostitutes to conduct their affairs more discreetly. Evidence to support this argument can once again be seen from Table No. 3 of the Assistant Commissioner's report for 1881. For instance, Column twelve in Figure 6.4, gives the number of private houses where women 'resided, and

⁸⁰ Figures reached by adding columns 1 and 2 and five and six for the respective years. Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 21. [Document number: 88.439-40; PP.]

⁸¹ Further evidence to suggest the authorities at Chatham placed certain public buildings under close surveillance can be seen from a report which was published in 1882. The report named particular beerhouses and public houses which were used as brothels and detailed the kind of action that was taken against them. For more on this see: Return of Number of Public Houses and Beerhouses Used as Brothels or Houses for Immoral Purposes in Districts Subjected to Contagious Diseases Acts 1865-1881. [Microfilm number: 88.440; Session 1882; PP.]

⁸² Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 3. [Document number: 88.439-40; PP.]

⁸³ Joyce, The Chatham Scandal, p. 79.

practiced prostitution'.⁸⁴ In 1865, the authorities suspected forty five houses were being used in this way. By 1869, this number had more than doubled. However, the records show that over the next three years there was a steep decline in the number of private dwellings which were used for prostitution. By 1872, only sixteen private houses were purportedly being used as brothels.⁸⁵

There are several possible explanations for the decrease. Firstly, it is likely that closer supervision discouraged many lodging house keepers from allowing prostitution on their premises. It is certainly clear that the task of administering the Contagious Diseases Acts was made easier after the lock hospital opened at Chatham in 1870.⁸⁶ Heightened police activity might also have encouraged brothel keepers to be more vigilant and therefore less susceptible to detection. Of course, it is also possible that some formed alliances with the police and other authority figures in an attempt to reduce the likelihood of prosecution.⁸⁷ Wherever the truth of the matter is, it is clear that the situation did not last for long. Over the next seven years there was a near threefold increase in the number of prostitutes who worked from private lodging houses.⁸⁸ Walkowitz suggests that stricter enforcement of the licensing laws during the 1870s was partly responsible for this increase.⁸⁹ Of course these figures probably represent only a small percentage of the actual number of women who engaged in prostitution, since they are based on the number of females who were detained under the Contagious Diseases Acts. The parliamentarian and social reformer, James Stansfeld made a similar point in the 1870s. Drawing on statements made by the managers of rescue societies and reformatories he noted that:

⁸⁴ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 21. [Document number: 88.439-40; PP.]

⁸⁵ Ibid.

⁸⁶ Ibid, p. 21 and Joyce, The Chatham Scandal, p. 79.

⁸⁷ Walkowitz, Prostitution and Victorian Society, p. 24.

⁸⁸ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 21. [Document number: 88.439-40; PP.]

⁸⁹ Walkowitz, Prostitution and Victorian Society, p. 24.

The existence and increase of clandestine prostitution in the subjected districts has long been known to us, and may, indeed, be noticed by any shrewd observer who will visit these districts and remain long enough there to study the way in which it evinces its existence and extent.⁹⁰

These remarks once again explain why official statistics should be treated with some care and why studies that rely heavily on single sources offer a very narrow perspective on the links between crime and poverty. For instance, the Assistant Commissioner's report reveals little about the socio-economic profile of the women who engaged in prostitution, or much about the communities where they lived. This is problematic for a number of reasons, not least because it is difficult to gain clear insights into the position that prostitutes occupied in society. Other sources can be equally misleading. For instance, the lock hospital surgeon William Tait questioned the moral character of the women that he treated. He noted for example, that 'whenever a woman openly abandons herself to a life of licentiousness, she instinctively separates herself from respectable society'.⁹¹ Similar doubts were also expressed by William Acton, who referred to prostitutes as 'outcasts' and 'pariahs'.⁹² In contrast, Henry Mayhew often portrayed women who earned their living from prostitution as defenceless individuals who lived on the margins of society.⁹³ Yet, historians of the modern era have suggested that prostitutes were not social outcasts. Instead they have argued that

⁹⁰ James Stansfeld, 'On the Validity of the Annual Government Statistics of the Operation of the Contagious Diseases Acts', Journal of the Statistical Society of London, Vol. 39, No. 3 (1876), p. 559.

⁹¹ William Tait, Magdalenism: An Inquiry into the Extent, Causes, and Consequences of Prostitution in Edinburgh (Edinburgh: 1840), p. 159.

⁹² Peter Fryer (ed.), William Acton Prostitution (London: MacGibbon and Kee Ltd, 1968), p. 7.

⁹³ See for example the narrative of a young London prostitute in: John Canning (ed.), The Illustrated Mayhew's London (London: Book Club Associates, 1986), 107-11 and J.M. Golby (ed.), Culture and Society in Britain A Source Book of Contemporary Writings (Oxford: Oxford University Press, 1992), 7-9.

prostitution was an inevitable feature of life in the poorer quarters of many towns during the nineteenth century. For instance, Walkowitz has noted that:

Prostitutes tended to reside in dwellings with two or three other women that were “scarcely distinguishable” from “low class houses,” or sometimes in “externally respectable establishments,” where the inmates had achieved a “quiet” truce with the police. Most Victorian Cities had at least one notorious district where public women lived and plied their trade among a heterogeneous population of the labouring poor.⁹⁴

It will be remembered, however, that Walkowitz’s comments relate specifically to the activities of prostitutes in London and maritime towns on the south coast.⁹⁵ Clearly, more needs to be done to show the place that prostitutes occupied within the fabric of society in the Medway basin. Space constraints clearly place limits on what can be achieved within the confines of a single chapter. To overcome this difficulty, the final section will concentrate on the activities of a number of prostitutes who were active in the port and naval districts of Chatham during the early 1880s. This study will draw on a variety of court documents and census records. These will be used to create profiles of particular individuals and to highlight areas of linkage between their socio-economic circumstances and their involvement in prostitution. The benefits of such an approach are twofold. Firstly, it will help to identify some of the key socio-economic factors which influenced individuals to engage in prostitution. More than this, however, it should be possible by linking several profiles together, to learn more about the character and complexion of the communities where these individuals lived and worked than is possible from the kind of studies that depend on single sources.

⁹⁴ Walkowitz, Prostitution and Victorian Society, 24-5.

⁹⁵ For more on this see note 2 above.

The following case study demonstrates how Record Linkage works in practice. On the 9th May 1883, Jane Moon was sentenced to one month's hard labour by magistrates at Chatham, for being a 'Riotous Proste' [*sic*], a few months after the Contagious Diseases Acts were suspended.⁹⁶ It is difficult to say for certain whether she had any previous convictions for prostitution, since the register in which this entry exists dates back only until the beginning of May 1883.⁹⁷ However, the wording used by the court suggests she was known to the authorities.⁹⁸ Further entries that appear in the same register appear to support this argument. For instance, on the 9th July, exactly two months after her first conviction, Moon was once again charged with prostitution and sentenced to two months hard labour at Maidstone prison. The subject of punishment regimes will be addressed in more detail in the next chapter. However, the harsher sentence which was imposed on Moon on this occasion almost certainly reflects the fact that she already had at least one previous conviction for prostitution, a point that did not escape the attention of the magistrates at the time of her trial. It was duly noted that:

Jane Moon Riotous prostitute after previous conviction...2 calendar months hard labour at Maidstone Prison.⁹⁹

⁹⁶ A parliamentary vote on whether to suspend the compulsory examination of women was held on the 20th April 1883. The resolution was carried by a majority of 182 to 110. Walkowitz, Prostitution and Victorian Society, 98-99. Details for Jane Moon's offence cited from: Register of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC.]

⁹⁷ Register of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC.]

⁹⁸ Women were usually only charged with prostitution under the terms of the 1824 Vagrancy Act. For this to happen, the arresting officer had to be able to substantiate that the individual had solicited for sex. While the Contagious Diseases Acts were in force women could be detained for up to three months if they were identified as a prostitute by a plainclothes officer from the Metropolitan Police Force. For more on this see: Engel, "Immoral Intentions", p. 76.

⁹⁹ Register of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC.]

Moon was prosecuted on two further occasions during 1883. The first occurred less than two months after she was released from prison. Once again it was recorded in the court books that she had previous convictions for prostitution.¹⁰⁰ However, the magistrates appear to have shown some leniency towards her, reflected by the fact that she only received a one month sentence.¹⁰¹ Moon made her final court appearance towards the end of December 1883 when she was again accused of soliciting and behaving in a riotous manner. What is most noticeable about this encounter with the authorities is that it did not result in a prison sentence. Although Moon was found guilty, the records show she only received a five shilling fine. She was also ordered to pay a similar sum in costs within seven days or face a week's hard labour in Maidstone prison.¹⁰²

Again, there is nothing in the records to explain why Moon was treated less severely on this occasion. However, Lucia Zedner has suggested that this was because magistrates started to realise that females who habitually offended were not always deterred from offending by the threat of custodial sentences. She explains that:

the worst female recidivists were not dangerous criminals so much as petty offenders, social inadequates, and outcasts incapable of surviving in outside society. Repeatedly sentenced to short terms of a few days or so for petty theft and public-order offences, drunken and mentally deficient women were a serious source of disruption to the

¹⁰⁰ A central register for repeat offenders was set up after the Habitual Criminals Act was introduced in 1869. Emsley has suggested that the Act gave local authorities considerable powers over recidivists. These included the right to arrest habitual offenders 'on suspicion'. Moreover, he noted that it was then for the accused to prove that they were not 'intending mischief when apprehended'. For more on this see: Emsley, Crime and Society, p. 23.

¹⁰¹ Register of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC.]

¹⁰² The records show that Moon failed to pay her fine and was imprisoned for one week. For more on this see: *Ibid*.

prison regime. To commit them to prison time and again was clearly both inappropriate and unproductive.¹⁰³

Unfortunately, the court register provides few background details about Jane Moon's socio-economic status, other than she was a prostitute who operated in the Chatham area shortly after the Contagious Diseases Acts were suspended. Consequently, it is difficult to say whether or not her offences were in any way motivated by poverty. Even the fact that she failed to pay her fine in December 1883 is not conclusive proof that she was in reduced circumstances, since it is possible to argue that she was simply a recalcitrant who refused to submit to the will of the authorities.

Clearly, there are limits on what can be achieved by socio-economic studies that depend heavily on single sources like court registers. Some of the difficulties highlighted above, however, can be overcome by cross-referencing information from a range of documents. By some good fortune, the registers of committals for north Kent have survived.¹⁰⁴ These contain information about prisoners who were confined in Maidstone Gaol during the latter part of the nineteenth century. Among these records are a number of entries for Jane Moon dating from December 1883. They contain important details about Moon's physical appearance and economic background. For instance, they show that she was a twenty three year old protestant with brown hair. Other comments suggest that she was literate. Unfortunately, however, the entry gives no indication of whether she was a competent reader, or able to write well. Given her age, however, it seems unlikely that she benefited much from the reforms that were made to the education system during

¹⁰³ Norval Morris and David J. Rothman (eds.), The Oxford History of The Prison: The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), p. 319.

¹⁰⁴ This document is not in the public domain. Instead it is held in a private collection. Document description: North Kent Register of Committals for Maidstone Prison 1883-1885.

the second half of the nineteenth century.¹⁰⁵ This is important, because for quite some time, social commentators have suggested that literacy skills contributed to the life chances that individuals enjoyed in the nineteenth century. For example, in the 1840s Rawson W. Rawson looked at the educational background of criminal offenders.¹⁰⁶ He found that the majority of females who were detained for prostitution were at best only semi-literate. He noted that:

There is one class of offenders whose miserable mental condition is strongly depicted in these returns, *Viz.*, disorderly prostitutes. In London only 3, and in Dublin 2.1 in 100 could read and write well; In London only 1, and in Dublin 2 in 1,000 had received a superior degree of instruction. In London 54.1, and in Dublin 74.5 in 100 could neither read nor write; and it is from such as these, bred up in the darkest ignorance, debased by the vilest associations, and exposed to the most bitter trials and temptations that the law expects and claims orderly habits and decent conduct.¹⁰⁷

¹⁰⁵ For example, it was not until 1880 that elementary education was made compulsory for all children between the ages of five and eleven. For more on this see: Kirby Peter, Child Labour in Britain, 1750-1870 (Basingstoke: Palgrave Macmillan, 2003), p. 111 and Meg Gomersall, 'Education for Domesticity? A Nineteenth Century Perspective on Girls Schooling and Education', Gender and Education, Vol. 6, No. 3 (1994), 235-47. Also see: Angela Woollacott, 'Working-Class Girls in Nineteenth-Century England: Life, Work and Schooling by Meg Gomersall', The American Historical Review, Vol. 103, No. 5 (1998), 1592-3 and Barry Reay, 'The Context and Meaning of Popular Literacy: Some Evidence from Nineteenth-Century Rural England', Past and Present, No. 131 (1991), 89-129.

¹⁰⁶ Rawson W. Rawson, 'An Enquiry into the Condition of Criminal Offenders in England and Wales, with Respect to Education; or, Statistics of Education among the Criminal and General Population of England and other Countries', Journal of the Statistical Society of London, Vol. 3, No. 4 (1841), 331-52.

¹⁰⁷ *Ibid*, p. 355.

More recent studies that have looked at educational standards among the labouring poor appear to support these findings. Barry Reay for example, has argued that literacy rates in Kent were often influenced by class and the sex of individuals.¹⁰⁸ A similar point was also made by Angela Woollacott.¹⁰⁹ In addition, she has suggested that school curriculums varied considerably between regions.¹¹⁰ Meg Gomersall has gone further. She has argued that government intervention in the elementary education system during the 1860s had a detrimental effect on the academic standards that girls achieved.¹¹¹ She explained that despite parental objections, there was a considerable expansion in the 'domestic curriculum' and noted that this undoubtedly had consequences on the kind of occupations that females moved into when they reached adulthood.¹¹²

Returning to the records contained in the north Kent registers, it is clear that one other entry may hold some vital clues about Moon's physical condition. It was noted that she was only five feet tall.¹¹³ Again, a number of historical studies have suggested that dietary restrictions often impeded bodily development.¹¹⁴ As a starting point, the Hammonds argued that the process of industrialisation had an impoverishing effect on the diets of the poor. They noted that price inflation and wage dependency made it difficult for labouring households to afford staple food items like meat and cheese.¹¹⁵ It is clear, however, that any study of working class diets is beset by

¹⁰⁸ Barry Reay, 'The Context and Meaning of Popular Literacy: Some Evidence from Nineteenth-Century Rural England', Past and Present, No. 131 (May 1991), 89-129.

¹⁰⁹ Woollacott, 'Working-Class Girls in Nineteenth-Century England', 1592-3.

¹¹⁰ Ibid.

¹¹¹ Meg Gomersall, 'Education for Domesticity?', 235-47.

¹¹² Ibid.

¹¹³ North Kent Register of Committals for Maidstone Prison 1883-1885. [PC.]

¹¹⁴ Johnson, Paul, and Stephen Nicholas, 'Male and Female Living Standards in England and Wales, 1812-1857: Evidence from Criminal Height Records', Economic History Review, Vol. 48, No. 3 (1995), 470-81.

¹¹⁵ J.L. Hammond and Barbara Hammond, The Village Labourer 1760-1832: A Study of the Government of England Before the Reform Bill (London: Longmans, Green, and Co Ltd, 1920), p. 88.

difficulties, since regional differences affected not only the kinds of food that people ate, but also the kind of items that they were able to afford. Such an investigation is further complicated because consumption patterns changed over time, during periods of economic downturn and as transport links between different localities improved.¹¹⁶

In spite of these concerns, contemporary sources suggest that unskilled workers were vulnerable during periods of economic depression and that their dietary needs were not always met when the demand for their labour dried up. For instance, the parliamentarian William Rathbone observed that:

it...is difficult to convey by means of any general statement a correct picture of a diet of which the most marked feature was its fluctuations of plenty and scarcity, according to the quantity of the family income. In the matter of food even less than the other necessities of life, an irregular supply is not the equivalent of its average since neither physiologically nor in any other way can privation at one time be compensated by a surfeit at another.¹¹⁷

As enlightening as these observations are, they offer little more than a general impression of the difficulties that labouring households experienced. It is also true that one height record does not prove very much, other than to conclude that Moon was of a slight stature.¹¹⁸ However, several larger scale studies have looked more specifically at the link between poor nutrition and its effect on the physical development of paupers. For instance, Roderick Floud and Kenneth W. Wachter drew on anecdotal evidence and a series of height records kept by the Marine Society in their ground-

¹¹⁶ J.H. Treble, Urban Poverty in Britain (London: Batsford Ltd, 1979), 149-83.

¹¹⁷ Ibid, p. 151.

¹¹⁸ North Kent Register of Committals for Maidstone Prison 1883-1885. [PC.]

breaking work of the 1980s.¹¹⁹ They used this information to determine whether the socio-economic changes that occurred during the first half of the nineteenth century, had any effect on the physical state of the labouring poor. Their investigation reached a number of conclusions. Notably, that a sizeable proportion of the cohorts measured were small from infancy. They were quick to discount the possibility that genetic factors were responsible for these results. Instead they thought that it was more likely that there was a history of malnourishment within the cohorts' families. To support this claim they noted that retarded growth rates in children could often be traced back to parents. They argued that if malnutrition occurred in the fetal period and continued into infancy there was a strong possibility that the child's growth rate would be inhibited.¹²⁰

In a related study, Paul Johnson and Stephen Nicholas also agreed that the height of female offenders was linked to their occupational and class background.¹²¹ Their study, which was based in part on data extracted from the habitual criminals' register, concluded that females from poorer communities were comparatively shorter than those who came from a skilled background. They attributed this difference to the decline in the living standards that the poor experienced during the second and third quarters of the nineteenth century.¹²²

It should be evident by now that Record Linkage has the potential to reveal much about the socio-economic circumstances of individuals or particular criminal sub-groups like prostitutes. By drawing on census material it is possible to build on what is already known about Moon's personal

¹¹⁹ The Marine Society was founded by a group of London merchants in 1756. Its initial aims were to assist the navy in recruitment and provide employment for poor young males. After the Seven Years War the society turned its attention to boys, clothing and feeding them and securing them employment in the merchant navy and on ships of the Royal Fleet. Roderick Floud and Kenneth W. Wachter, 'Poverty and Physical Stature: Evidence on the Standard of Living of London Boys 1770-1870', *Social Science History*, Vol. 6, No. 4 (1982), p. 428.

¹²⁰ *Ibid*, 449-50.

¹²¹ Johnson and Nicholas, 'Male and Female Living Standards', 470-81.

¹²² *Ibid*, p. 480.

circumstances. Not only will this methodology offer further insights into her involvement in prostitution, but it should also reveal more about the community where she lived and worked. However, documents that are usually used for genealogical purposes can present a number of problems for the kind of investigation being carried out here, since they only represent a snapshot of individuals who were present in a household on a specific date. Clearly records will not exist if families or individuals moved between districts after the census enumerators visited.¹²³ Of course, it can also be difficult to distinguish between individuals if they shared a common name, or if spellings vary between documents. It is fortunate therefore, that Moon's surname is sufficiently unusual that it has few matches in the 1881 census. This document has some obvious uses, since it is the closest in date to when Jane Moon was committed to Maidstone gaol.¹²⁴

It should be noted from the outset that several females named Jane Moon were living in Kent during the early 1880s. Only one, however, seems to fit the profile of the woman who appears in the north Kent registers. All of the others were either considerably older or younger or lived some distance outside of the Medway basin in 1881.¹²⁵ The most likely candidate therefore, seems to be a female who was registered as living at number five and six, Military Road, Chatham. The records show that she was born in or around the 1863, suggesting she was only eighteen at the time of the census. Clearly, this throws up an anomaly between Moon's age as it appears in the court

¹²³ For more on the benefits and pitfalls of research based on census material see: Thomas J. Harte, 'The Use of Parish Records in Social Research', The American Catholic Sociological Review, Vol. 19, No. 2 (1958), 113-23 and Arnold R. Alanen, 'Documenting the Physical and Social Characteristics of Mining and Resource-Based Communities', Bulletin of the Association for the Preservation Technology, Vol. 11, No. 4 (1979), 49-68. For some solutions to problem of nominal linkage also see: Steven King, Poverty and Welfare in England, 128-34.

¹²⁴ It will be remembered that Moon was committed to Maidstone Gaol in December 1883. Document description: North Kent Register of Committals for Maidstone Prison 1883-1885. [PC.]

¹²⁵ Eleven individuals with the name Jane Moon can be identified in the 1881 census for England when a tolerance of +/- five years is applied to a birth date of 1860. Only one of these women, however, was living in the Medway region in 1881. For more on this see: 1881 England Census. [Document number: RG11.] <http://www.ancestry.co.uk/>.

registers and the one that she gave to the census enumerators in 1881.¹²⁶ There are two possible explanations for this irregularity, if it is accepted that the records relate to the same person. Either, Moon's age was recorded incorrectly, in one or both of the records, or she purposely over or under stated her age. It was certainly not uncommon for prostitutes to employ such tactics, in order to deliberately frustrate the authorities and make it more difficult for them to track their movements.¹²⁷

So, what else does the 1881 census reveal about Jane Moon's circumstances, if this is indeed the same woman who appears in the court books and committal registers for north Kent? Well, firstly, we learn that she was unmarried and that she stated that she was a domestic servant.¹²⁸ It will be remembered from earlier that this class of female often turned to prostitution during periods of economic hardship.¹²⁹ The record also shows that there were forty two other occupants living in Moon's building. This was situated in *Old Brompton*, one of the poorer districts of the town (see maps 4, 5 and 6). The following remarks provide a sense of what the area was like when Moon was living there:

Civilians and servicemen were packed into a very confined space, and inevitably social problems resulted in its three main streets – the High Street, Military Road and The Brook...it was in these three thoroughfares, and in the side streets, courts and alleys which ran off them and connected them, where most of Chatham's prostitution occurred.¹³⁰

¹²⁶ Ibid and North Kent Register of Committals for Maidstone Prison 1883-1885. [PC]

¹²⁷ Maria Luddy, Prostitution and Irish Society 1800-1940 (Cambridge: Cambridge University Press, 2007), p. 74.

¹²⁸ 1881 England Census, p. 4.

[Document number: RG11/887; Piece: 887; Folio: 95.] <http://www.ancestry.co.uk/>.

¹²⁹ Walkowitz, Prostitution and Victorian Society, 194-5.

¹³⁰ Joyce, The Chatham Scandal, p. 8.

Brian Joyce has argued that there was little room for commercial activity to expand outside of *Old Brompton*, because the town was encircled by the River Medway and closed in by the military and naval installations. Consequently, a tightly knitted community of tradesmen and law abiding citizens lived alongside petty criminals and other miscreants.¹³¹ Certainly, the 1881 census gives the impression that the other residents in Moon's lodging house represented a fair cross section of the local labouring community. Among the other inhabitants in her building were merchant seamen, marines, soldiers and domestic servants. A similar pattern emerges when profiles of other prostitutes are created and tracked in the same way as Moon's. For example, twenty seven year old Mary Ann Fisher appeared in court on charges relating to prostitution a few days after Moon in July 1883.¹³² The 1881 census suggests she was a visitor to the area who was staying in a lodging house in the High Street.¹³³ Clearly, some change occurred in Fisher's circumstances between her arrival in Chatham and her arrest two years later. It appears this was not an uncommon situation as one nineteenth century commentator observed:

they get out of place and they have nowhere to go and they adopt this as a last resort, as a means of livelihood; some go back to service and again return to the streets.¹³⁴

Once again, the occupants of the house where Fisher lived were drawn from all sections of the working class community. Several of the women including Fisher were married with no stated

¹³¹ Ibid.

¹³² Registers of Court of Summary Jurisdiction 1883-1885. [Document number PS/NA/24; MLSC.]

¹³³ 1881 England Census, 6-7.

[Document number: RG11/887; Piece: 887; Folio: 84.] <http://www.ancestry.co.uk/>.

¹³⁴ Walkowitz, Prostitution and Victorian Society, p. 194.

occupation; in contrast, most of the male lodgers were either soldiers or worked as unskilled labourers.¹³⁵

The above records appear to suggest that prostitutes were not treated as social outcasts, but were instead accepted as part of the fabric of life in the poorer neighbourhoods of Chatham. It would be wrong, however, to argue that this was always the case. Walkowitz, for example, has noted that prostitutes in Plymouth and Southampton were often subjected to harassment. However, she also observed that women of all classes were united in their opposition to the Contagious Diseases Acts, which were the source of much antagonism in the poorer districts of the towns covered by the acts. It should be noted that while these women did not openly condone prostitution, they were sympathetic to the plight of many prostitutes.¹³⁶ It is also evident that the employment opportunities that were open to females had considerable bearing on the levels of prostitution which were found in Chatham. However, census returns can distort the state of the employment market, since females often provided enumerators with false details to safeguard their anonymity.¹³⁷

In spite of this, it seems fair to suggest that unskilled single women like Moon and Fisher were on the lower rungs of the socio-economic ladder and no doubt experienced real hardship if their regular earnings were disrupted in any way. Walkowitz was therefore probably right to suggest that many women saw prostitution as a short-term solution that they could use to overcome difficult circumstances.¹³⁸ This might therefore explain why twenty three year old Mary Curtis was charged on three separate occasions for prostitution in 1883.¹³⁹ She boarded with another female

¹³⁵ 1881 England Census, p. 6-7.

[Document number: RG11/887; Piece: 887; Folio: 84.] <http://www.ancestry.co.uk/>.

¹³⁶ Walkowitz, Prostitution and Victorian Society, 195-213.

¹³⁷ *Ibid*, p. 195.

¹³⁸ *Ibid*, p. 196.

¹³⁹ Registers of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC.]

called Jane Barber at the Swan Inn in Chatham.¹⁴⁰ Both women were unmarried and supposedly earned their living from hawking, an occupation that was notoriously unreliable.¹⁴¹

Although marriage seems to have provided females with a modicum of security, it is clear that not all unions or family environments were happy. Even the most cursory examination of court registers for the Medway basin reveals a surprising amount of violence between close relations, much of it rooted in alcohol. In May 1839, for example, Ann Appleton was left with a bleeding mouth following a dispute with her father-in-law.¹⁴² Appleton claimed that he hit her five or six times. In June of the same year, John Heath was charged with assault, after he attacked his wife and daughter.¹⁴³ On the 21st June 1859, Caroline Wallis, Eliza White and Pricilla Swinyard were charged with assaulting their sister-in-law and niece at the Dartmouth Arms in Chatham. The three women were convicted and fined 2s. 6d., with costs.¹⁴⁴

Family disputes like these would inevitably have led to some household units breaking down. Of course separations of any kind placed an additional burden on household finances, especially if the couple had children. However, it is clear that the poor law authorities viewed 'unsupported women' with suspicion and rarely granted them outdoor relief.¹⁴⁵ At the same time, it is also apparent that even the most convivial of households experienced periods of deprivation.

¹⁴⁰ Only one woman named Mary Curtis appears in the 1881 census for Chatham. She was born in Hampshire in about 1858. She lodged with Jane Barber. Details cited from: 1881 England Census, p. 11. [Document number: RG11; Piece: 893; Folio: 35.] <http://www.ancestry.co.uk/>.

¹⁴¹ Canning (ed.), The Illustrated Mayhew's London, p. 86.

¹⁴² Court Register [Criminal Business; Details of Evidence] 1838-1842. [Document number: PS/NA 17; MLSC.]

¹⁴³ Court Register [Criminal Business; Details of Evidence] 1859-1861. [Document number: PS/NA 18; MLSC.]

¹⁴⁴ Ibid.

¹⁴⁵ M.A Crowther, The Workhouse System 1834-1929: The History of an English Social Institution (Georgia: The University of Georgia Press, 1982), p. 100.

Ellen Ross, however, notes that it was usually the women and children who were the first to go without.¹⁴⁶

Any of these factors might explain why thirty six year old Elizabeth Mayor was prosecuted for prostitution in August 1883. Only one individual with this name appears in the 1881 census lists for the Medway area. At this time Mayor was allegedly living with her mariner husband and their three year old son in the St. Margaret's district of Rochester.¹⁴⁷ The periods of separation that her husband's occupation would inevitably have imposed on the family, possibly provides the key to understanding why she became involved in prostitution. For example, it is likely that his shore pay would have been reduced, by as much as a half while he was at sea. Clearly, the Mayor's finances would have been placed under considerable strain, if contingencies were not in place to offset the effect that this arrangement would undoubtedly have had on their household budget.¹⁴⁸

Although it was not common for older women to be involved in prostitution, it does seem that the fortunes of many households were inextricably linked to the earnings of the male breadwinner.¹⁴⁹ Clearly, seasonal layoffs, periods of illness and old age had an effect on a man's ability to provide for his family. Moreover, if he was unable or unwilling to rely on secondary mechanisms like poor relief or charitable donations from kin, the burden for supporting the family would have fallen predominantly on his partner.¹⁵⁰ Again, this may go some way to explaining why

¹⁴⁶ Ellen Ross, Love and Toil Motherhood in Outcast London 1870-1918 (New York: Oxford University Press, 1993), p. 55.

¹⁴⁷ 1881 England Census, 49-50. [Document number: RG11; Piece: 886; Folio: 115.] <http://www.ancestry.co.uk/>.

¹⁴⁸ Walkowitz, Prostitution and Victorian Society, p. 29.

¹⁴⁹ *Ibid*, p. 18 and Ross, Love and Toil, p. 72.

¹⁵⁰ Steven King and Alannah Tomkins 'Conclusion', in King and Tomkins (eds.), The Poor in England, 266-76.

thirty eight year old Eliza Jorden was prosecuted for prostitution in July 1883.¹⁵¹ Two years before this date she was living with her husband and two young children in a lodging house in the Brook, one of the poorer districts of Chatham.¹⁵² Her husband's age and occupation were perhaps significant factors behind her decision to enter into prostitution, since he was some twelve years older than her and earned his living as a general labour.¹⁵³ There is a considerable body of evidence to suggest that Jorden's prime earning years were behind him and that his family would have found it difficult to survive on his wages alone. Mayhew for example, drew attention to the physical demands of labouring and observed that it was not unusual for some men to travel up to ten miles a day, in all weathers, to secure work.¹⁵⁴ One has to question whether Jorden would have been capable of such feats as he approached fifty.

This argument is further supported by the work of Steven King and Heather Shore. Both historians have drawn attention to the problems that poor households experienced at different stages of the life cycle.¹⁵⁵ Shore, in particular, has argued that criminal practices like prostitution should be viewed within the context of makeshift economies. Moreover, she has suggested that a

¹⁵¹ Registers of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC.]

¹⁵² For a more complete description of the Brook, see: Joyce, *The Chatham Scandal*, p. 8. The Jorden family shared their accommodation with thirty seven other individuals. The majority of the males earned their living as general labourers. In contrast, the females were for the most part employed in domestic industries. Document number: 1881 England Census. [10-11.RG11; 893; Folio; 54.] <http://www.ancestry.co.uk/>.

¹⁵³ *Ibid*, 10-11.

¹⁵⁴ For more on this see: P.E. Razzell and R.W. Wainwright (eds.), Selections from the Morning Chronicle The Victorian Working Class (London: Frank Cass and Company, 1973), 3-129. For further accounts of how poverty affected the labouring poor see: John Burnett, Useful Toil Autobiographies of Working People from the 1820s to the 1920s (London: Penguin Book Ltd, 1974).

¹⁵⁵ King and Tomkins (eds.), The Poor in England, 5-6 and 137-65.

dichotomy existed between the way that offenders were perceived and treated by the authorities and their own communities.¹⁵⁶ She explained:

What might be seen straightforwardly as criminal behaviour by the authorities, might by the offender be viewed as solutions to poverty, dearth, crisis, under and unemployment. Naturally, such solutions often had a broader communal context. Even at the level of felony, a cursory glance at the records of the criminal justice system will indicate the petty and mundane nature of most crimes.¹⁵⁷

Of course, the above observations raise questions about why the poor may have found it necessary to resort to criminal practices during periods of hardship. Although Shore acknowledges the important role charitable donations and poor relief played in the makeshift economies of the poor, she also notes that some paupers were reluctant to ask for assistance, because they were afraid of being stigmatised.¹⁵⁸ It is certainly apparent that the Medway Union had a policy of recording the occupation of women who were known to be prostitutes in the 1860s.¹⁵⁹ Whether this had anything to do with the operation of the Contagious Diseases Acts or the authorities at Chatham determining the true scale of prostitution in the area is not clear. What is evident, however, is that the town's officials were involved in protracted negotiations with the War Department and Admiralty for a

¹⁵⁶ Ibid, p. 139.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid, p. 143. In contrast, Crowther draws attention to the erratic and arbitrary nature of charity. For more on this, see: Crowther, The Workhouse System, p. 71.

¹⁵⁹ Medway Union Poor Law Admission and Discharge Book. [Document number: G/Me W1a/1-3; MLSC.]

dedicated lock hospital to be established in the town. It is also evident that only twenty four prostitutes could be treated at St. Bartholemew's hospital in Rochester at any one time.¹⁶⁰

It therefore seems likely that the Medway Union's workhouse was sometimes used to accommodate prostitutes who could not be housed at Rochester. Evidence to support this argument can be seen in a number of ways. Firstly, the records show that three prostitutes were discharged from the workhouse during the week ending 29th June, 1867. One of the women, thirty-eight year old Mary Beadle, was admitted on the 3rd April. It was noted at the time of her arrival that she had venereal disease. Another, Margaret Sullivan, was just nineteen and pregnant when she was admitted on the 17th April. The record does say what happened to her infant. However, her period of confinement suggests she possibly gave birth while she was inside the workhouse.¹⁶¹

Unfortunately, the lack of supporting evidence from other sorts of documents makes it difficult to cross-reference information in a way which might otherwise allow an accurate profile to be constructed for these women. For example, no one fitting the description of either woman was registered as living in Chatham in 1861. This, however, might imply that they had given false details to the census enumerators, or had perhaps moved into the area at a later date. Moreover, the fact that Sullivan sought refuge in the workhouse sometime during her pregnancy suggests that she had no kin networks nearby, to support her when she was at her most vulnerable. Again, it is clear that this situation was not uncommon.¹⁶² The third woman, Julia Reeve, entered the workhouse on the 8th of May 1867. Like Beadle and Sullivan, her notes provide few clues about her circumstance,

¹⁶⁰ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881, p. 8-9. [Document number: 88.439-40; PP] and Joyce, The Chatham Scandal, 77-9.

¹⁶¹ Medway Union Poor Law Admission and Discharge Book. [Document number: G/Me W1a/1-3; MLSC.]

¹⁶² Walkowitz, Prostitution and Victorian Society, p. 16.

other than she was sick and that she discharged herself.¹⁶³ Only one woman matching Reeve's description appears in the census records for this time. She was an Irish born, Roman Catholic, who in 1861, was living with her husband and four young children in Kensington, Middlesex.¹⁶⁴ Several other families with an identical surname and Irish roots lived in the same neighbourhood.¹⁶⁵ This perhaps suggests that Julia and her family had moved to England in search of work and had chosen the area to be near relatives. Such a suggestion is not unreasonable, since people often located to areas where friends or kin had already settled.¹⁶⁶

Two of the adult males who shared the same surname were mariners.¹⁶⁷ Again this might explain why Julia ended up in Chatham. The records also indicate that she earned her living 'washing' and that her husband, who was ten years older than her, was a general labourer.¹⁶⁸ There is no trace of any of the family members in the 1871 census for England and Wales. The most likely explanation for this absence is that the household had moved somewhere further afield, or even returned to Ireland.¹⁶⁹

Although the above arguments are based upon circumstantial evidence, several things can be determined about Reeve from the sketchy outline of her personal circumstances. Firstly, that she

¹⁶³ Medway Union Poor Law Admission and Discharge Book. [Document number: G/Me W1a/1-3; MLSC.]

¹⁶⁴ 1861 England Census. [Document number: RG9; Piece: 15; Folio: 157; Page: 50], p. 50. <http://www.ancestry.co.uk/>.

¹⁶⁵ *Ibid.*

¹⁶⁶ King and Timmins, Making Sense of the Industrial Revolution, p. 55 and Janet Nolan, 'Ruth-Ann M. Harris: The Nearest Place that Wasn't Ireland: Early Nineteenth-Century Irish Labor Migration', The American History Review, Vol. 101, No. 2 (1996), 500-1 and David Fitzpatrick, 'Irish Emigration in the Later Nineteenth Century', Irish Historical Studies, Vol. 22, No. 86 (1980), 126-43.

¹⁶⁷ 1861 England Census, p. 50. [Document number: RG9; Piece: 15; Folio: 157].

¹⁶⁸ *Ibid.*

¹⁶⁹ David Fitzpatrick, 'Irish Emigration', p. 126 and 129.

was a low skilled Irish immigrant who had relocated to England with her family sometime before 1861.¹⁷⁰ Moreover, within the space of six years, she had been reduced to selling her body on the streets of Chatham.¹⁷¹ Clearly, something occasioned her descent into prostitution. Although it is difficult to say with any certainty whether her decision was in anyway motivated by financial hardship, it is evident from her workhouse records that she was not in good health. Furthermore, they suggest that she left of her own volition.¹⁷² Whether she simply took advantage of the workhouse's medical facilities is not clear. However, it is apparent that some Chatham prostitutes voluntarily entered the institution when they were sick or destitute.¹⁷³ Prostitutes, who did this, like Reeve, were often in a poor physical state. One nineteen year old girl was described by a guardian as a "mere apology of a woman" who arrived with very few articles of clothing and in a very emaciated condition.¹⁷⁴

It is apparent, however, that prostitutes were often characterised by their independent and self assertive nature. They were certainly not afraid to express their dislike of the authorities in a defiant and aggressive manner.¹⁷⁵ One therefore has to question whether the officials in charge of the Medway Union's would have tolerated behaviour of this sort, or whether Reeve would have coped with the strict regime of segregation, discipline and hard labour that was used inside the workhouse at Chatham.¹⁷⁶ Contemporary sources suggest that the poor sometime chose to live in hardship rather than enter poor law institutions. H. Taine for example noted:

¹⁷⁰ 1861 England Census, p. 50.

[Document number: RG9; Piece: 15; Folio; 157]. <http://www.ancestry.co.uk/>.

¹⁷¹ Medway Union Poor Law Admission and Discharge Book. [Document number: G/Me W1a/1-3; MLSC.]

¹⁷² *Ibid.*

¹⁷³ Joyce, The Chatham Scandal, p. 64 and 175-82.

¹⁷⁴ *Ibid.*, p. 176.

¹⁷⁵ Walkowitz, Prostitution and Victorian Society, p. 194.

¹⁷⁶ users.ox.ac.uk/~peter/workhouse/Medway/Medway.

To-day at a street corner I saw an old woman groping with her skinny hands in a heap of rubbish, and pulling out scraps of vegetables; probably she would not give up her drop of spirits. But what of the others? I am informed that they prefer their home and their freedom at any price, that they cannot bear being shut up and subjected to discipline...The workhouse is regarded as a prison; the poor consider it a point of honour not to go there.¹⁷⁷

In addition to the harsh regimes that were routinely imposed on inmates, it is also apparent that several workhouses in the Medway area acquired a considerable reputation for suppressing difficult paupers.¹⁷⁸ The Hoo Union for instance, was still using dietary restrictions and a cell to confine 'refractory' inmates in the 1850s.¹⁷⁹ This situation was not uncommon. For example, the diets of the able-bodied at Andover were so impoverished that inmates were found gnawing on bones that they were supposed be crushing as a work task.¹⁸⁰ Conditions inside workhouses were still severe, even in the years outside of the period covered by this thesis. For instance, a nurse employed by the Hackney Union was charged with being cruel to children in her care in 1893.¹⁸¹ With these thoughts in mind it is not difficult to understand why the workhouse was seen as a place of last resort, which paupers only entered, when no other options were available. As chapter four showed,

¹⁷⁷ See for example, H. Taine's account of visits to English workhouses during the 1860s. For more on this see: Michael E. Rose, The English Poor Law 1780-1930 (Newton Abbot: David and Church, 1971), 167-8.

¹⁷⁸ In December 1840, The Times newspaper reported that the master of the Hoo workhouse had been prosecuted and found guilty of assaulting female inmates. Ibid, 113-6.

¹⁷⁹ An entry in The Hoo Workhouse Punishment Book explains that dietary restrictions were known as the 'punishment diet'. For more on this see: [Document number: G/Ho WIp Film 434; MLSC.]

¹⁸⁰ Rose, The English Poor Law, p. 122.

¹⁸¹ <http://www.workhouses.org.uk/>

workhouse regimes were deliberately designed to deter the able-bodied from seeking assistance.¹⁸² Prostitutes like Beadle, Sullivan and Reeve who were stricken with venereal disease, or were laid low by illness and pregnancy were certainly vulnerable.¹⁸³ At the same time, it is clear that workhouse officials deliberately persecuted female inmates who were least able to defend themselves.¹⁸⁴ It is perhaps no coincidence then, that Reeve discharged herself as soon as she was able, or that women like Moon and Jorden chose to keep body and soul together through prostitution.¹⁸⁵

Conclusions

To sum up, this chapter had two main aims. Firstly, to compare and contrast the levels of prostitution that were found in rural districts of North Oxfordshire with the garrison and naval town of Chatham. The second was to establish whether the profession was linked to the performance of the two economies over the course of the nineteenth century. Although there are limits on what a study of this sort could achieve, it is apparent that areas of distinction existed between the way prostitutes conducted their affairs in rural and urban districts. Clearly, the way in which the two regions developed over the course of the century had some bearing on this. The Medway economy for example, saw considerable change as the dockyards and paper mills expanded and new industries moved into the area. Although population numbers increased significantly, the

¹⁸² Crowther, The Workhouse System, 54-78.

¹⁸³ Simon Fowler makes the point that it was not uncommon for unattached pregnant females to enter the workhouse in order to give birth, because they were not eligible for outdoor relief. For more on this see: Medway Union Poor Law Admission and Discharge Book. [Document number: G/Me W1a/1-3; MLSC] and Simon Fowler, Workhouse: The People The Places The Life Behind Doors (Kew: The National Archives, 2008), 108-110.

¹⁸⁴ Fowler, The New Poor Law, 108-12.

¹⁸⁵ Details for Eliza Jorden and Jane Moon's offences cited from Register of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; MLSC.]

transformation did not see employment opportunities for females improve in any perceptible way. Consequently, large numbers of single young women continued to earn their livings from low skilled and seasonal occupations like agriculture, domestic service and the garment industry.

In contrast, the economy of north Oxfordshire remained firmly rooted in agriculture, even towards the end of the period covered by this thesis. This lack of change clearly encouraged some degree of self censure and stability in rural communities. In more urbanised areas like Chatham, social relations were often fluid and transitory. Walkowitz, among others, has suggested that this allowed prostitutes and their clients to act with greater anonymity. Certainly, prostitution was less conspicuous in and around the neighbourhood of the Ploughley Hundred. Much of the evidence points to females working in brothels, in order to avoid unwelcome attention from the authorities.

Of course, it is difficult to say whether the levels of prostitution that occurred in Chatham were typical of other large urban areas, since many women were certainly drawn into the profession because the military and naval personnel provided them with a willing clientele. The regulations which were enforced while the Contagious Diseases Acts remained on the statute books certainly affected how the Chatham authorities dealt with prostitutes and their associates. For example, there was a considerable increase in the number of females who were detained by the authorities after the lock hospital opened at Chatham. Clearly, this institution allowed them more scope to co-ordinate efforts to control prostitution in the town. When beer-houses and pubs were placed under surveillance, prostitutes moved their business operations into private lodging houses. Parallels can therefore be drawn between the effect that tighter controls had on prostitution in urban areas and the way that self governance discouraged the profession in more rural districts.

Although extensive, the records that were kept by the Chatham authorities and government at this time offer an incomplete picture of prostitution in the town. Record Linkage clearly offers a partial solution to this problem. Certainly, it allows for a greater awareness of the difficulties individuals experienced and in doing so offers a better understanding of some the circumstances

behind offences like prostitution. There is little doubt that poverty contributed greatly to the trade in the Medway area. Single women, on low wages were extremely vulnerable during periods of economic downturn, since the bulk of outdoor relief went to the elderly and children. Moreover, conditions inside the workhouse were designed to deter all but the most desperate from seeking assistance. Women who were identified as prostitutes often received harsh treatment from the authorities inside of the workhouse. For many, prostitution offered not only independence, but also a temporary solution to financial hardship.

Finally, it is clear that prostitutes were treated differently by the authorities and the labouring classes. Middle-class commentators often portrayed them as social outcasts and morally deficient. Yet, it is also apparent that the authorities also tolerated a certain amount of prostitution, providing it stayed within certain boundaries. However, the study carried out here using Record Linkage suggests that prostitution was often an inevitable feature of life in large towns like Chatham. Certainly, prostitutes moved within the same social spheres as the 'respectable' poor. Of course not all women who experienced hardship resorted to prostitution. However, it is clear that those who entered the profession often did so for good reasons; because their household finances were under pressure, or because their personal circumstances took a turn for the worse. Evidently, there are opportunities for further research using Record Linkage to establish whether other sorts of criminal behaviour were linked to the makeshift economies of the labouring poor. This is something that will be explored in more detail in the next chapter.

Chapter Seven:

Controlling the Labouring Poor

Kent and Oxfordshire

1830-1885

It is the purpose of this thesis to show whether crime was one of the components that the labouring poor relied on to support their households and to see whether the strategies that they used, varied between urban and rural environments. Earlier chapters have looked at the different mechanisms that indigents used to sustain their households in the Medway basin in Kent and the Ploughley Hundred in Oxfordshire between 1830 and 1885. To this end, they have considered how the poor coped with legislative reforms that threatened the strategies that they used to support their makeshift households. Throughout the nineteenth century, the economy of Oxfordshire continued to rely heavily on agriculture. In comparison, the presence of military installations and naval dockyards assisted population growth and industrial development in the Medway towns.

So far, this contrast has allowed this thesis to look in detail at the link between criminality and social and economic conditions in two very different settings. It has been one of the main goals of the two previous chapters to show how data extracted from a variety of different sources like census reports, prison records and poor law registers can be brought together to create profiles of petty offenders like poachers and prostitutes. It is apparent from these studies that the technique of Record Linkage can yield substantially more information about the personal circumstances of individuals who were involved in crime, than the sort of information that is available from single sources.¹ Yet, it seems sensible to suggest that our understanding of the link between crime and poverty is incomplete, unless this thesis also considers whether the kind of control that the

¹ For more on this see chapter five and chapter six of this thesis.

authorities exercised over the labouring population had a measurable effect on the sort of strategies that the poor in Kent and Oxfordshire relied on to support their makeshift households, between 1830 and 1885.²

To do this, this chapter will address three fundamental research questions. First, did the administration of the police, courts and public institutions like prisons and workhouses present an effective deterrent against undesirable modes of behaviour? Second, how did the situation alter over time as new legislation was introduced? Third, is there evidence to suggest that poverty was the main contributory factor behind offences like prostitution, vagrancy and poaching, or was it the case that the poor merely exploited structural weaknesses in judicial and poor law institutions, to improve the standing of their makeshift economies? In keeping with the overall theme of this thesis, this study will show how the progress of industrialisation affected the way that the authorities in the Medway basin and the Ploughley Hundred dealt with the labouring poor and the impact that their actions had on patterns of criminality in the two regions under study here.

Chapters four of this thesis suggested that paupers sometimes chose to break the law rather than ask the authorities for assistance, because of the way that poor law legislation was enforced in some districts. Space restrictions, however, meant that for the most part, this study concentrated predominantly on the years immediately before and after the introduction of the 1834 Act.³ Evidently, there is an opportunity for this chapter to offer a more complete assessment of how welfare provision may have contributed to criminality among the labouring poor in later decades of the nineteenth century. To this end, the present study will consider whether institutional regimes that were intended to dissuade idle paupers from becoming a drain on poor law unions, did in fact encourage some sections of the labouring community to fall back on criminalised activities during periods of economic uncertainty.

² This is something that Michel Foucault alluded to in his essay on the power relationships that existed between the state and individuals. For more on this see: Michel Foucault, 'The Subject and Power', *Critical Inquiry*, Vol. 8, No. 4 (1982), 777-95.

³ For more on this see chapter four of this thesis.

Once again, space limitations constrain what a survey of this kind can reasonably be expected to achieve. To address this concern and in order to maintain a sense of continuity with earlier parts of this thesis, this chapter will consider how marginal social groups were treated by authority figures who worked across a range of institutions. This analysis will focus primarily on the workings of the courts, the police and prisons, as well as welfare institutions like workhouses and lock-hospitals. It is argued that by looking at the stance that the authorities took towards the most vulnerable in society, this study will not only reveal much about the character of the criminal justice system, but it will also illuminate the nature of welfare provision in Kent and Oxfordshire. Such a line of inquiry is crucial if this study is to offer further insights into the link between poverty and criminality over the course of the nineteenth century.

Research carried out by Michel Foucault in his seminal essay on discipline and punishment makes such a survey credible.⁴ Foucault noted that authority figures had been using mechanisms that included segregation and surveillance to control the behaviour of ordinary citizens from at least the end of the seventeenth century.⁵ Moreover, he found many similarities between the ways that these strategies were used to control individual communities and the kind of proposals that were put forward by Jeremy Bentham a century later. In brief, Bentham drew up designs for a building where inmates could be placed under constant surveillance. His system relied on a series of partitioned rooms that radiated out from a central observation post.⁶ Foucault observed that over time:

⁴ Michel Foucault, 'Discipline and Punish', in Julie Rivkin and Michael Ryan (eds.), Literary Theory: An Anthology (Oxford: Blackwell Publishing, 2002), 464-87.

⁵ Ibid, 466-9.

⁶ For more on the principals of Bentham's panopticon see: Ibid and Norman Johnston, Forms of Constraint A History of Prison Architecture (Illinois: University of Illinois Press, 2000), 50-3.

the panoptic schema, without disappearing as such or losing any of its properties, was destined to spread throughout the social body; its vocation was to become a generalised function.⁷

Foucault suggested that panoptic institutions were governed by a common principle of discipline and argued that the concept could be found in many different types of organisation that served a variety of functions.⁸ He was, however, very clear about one thing and that was that a single institution or a group of separate, but interrelated institutions could only exercise power effectively if their efforts were properly co-ordinated. By way of an explanation, he noted that in France the court system was incorporated into the state apparatus so that that it could be controlled centrally.⁹

The picture in England, however, was very different.¹⁰ Carl J. Griffin's survey of the circumstances surrounding an episode of machine breaking at Elham in Kent, suggests that the character of English justice was very much tempered by local conditions during the 1820s and

⁷ Foucault, 'Discipline and Punish', in Rivkin, and Ryan (eds.), Literary Theory, p. 469.

⁸ Foucault argues that evidence of 'disciplinary mechanisms' could be found in institutions as far ranging as schools, hospitals and charity organisations. M.A. Crowther appeared to support this proposition when she noted that workhouses and prisons were using similar regimes to control the behaviour of inmates during the latter years of the nineteenth century. For more on this see: Ibid, 474-5 and M.A. Crowther, The Workhouse System 1834-1929: The History of an English Social Institution (London: Batsford Academic and Educational Ltd, 1981), p. 44 and 196-8.

⁹ Foucault, 'Discipline and Punish', in Rivkin, and Ryan, Literary Theory, 475-6.

¹⁰ For an indication of how disparate the British criminal justice system was, see: Peter King, Crime, Justice, and Discretion in England 1740-1820 (Oxford: Oxford University Press, 2003), *passim* and Clive Emsley, Crime and Society in England 1750-1900 (Harlow: Longman, 1996), *passim*. Also see David Philips, Crime and Authority in Victorian England (London: Croom Helm, 1977), *passim*.

1830s.¹¹ Moreover, he argued that law keepers in the county did not begin to accept the authority of central policy makers until at least the middle part of the nineteenth century.¹² Yet, as useful as Griffin's study is for understanding how justice in Kent was underpinned by local conditions, its narrow timeframe means that it offers an incomplete picture of how legislative reforms helped to shape the criminal justice system during the second half of the nineteenth century. Clearly, there are opportunities for this chapter to consider the extent to which local authority figures conceded power to central agencies and the effect that this might have had on the administration of justice in Kent and Oxfordshire over the longer term. Such a line of enquiry is supported by the work of a number of historians. In the late seventies, Leon Radzinowicz and Roger Hood for instance, looked at the influence that a royal commission had on the way that the judicial system evolved during the second and third quarters of the nineteenth century.¹³ They argued that the commission was partly responsible for the dismantling of the Black Act and the spread of summary justice.¹⁴ At the same time, they also noted that the discretion of the judiciary was allowed to increase when attempts to codify the law failed to pass through Parliament.¹⁵

In a similar vein, Peter King, Norman Landau, David Phillips, Robert B. Shoemaker and Miles Ogborn have all helped to chart the progress of the judicial system and the role of the petty sessions in the administration of local justice.¹⁶ King for example, notes that by the second half of

¹¹ Carl J. Griffin, "'Policy on the Hoof': Sir Robert Peel, Sir Edward Knatchbull and the Trial of the Elham Machine Breakers, 1830', Rural History, No. 15, Vol. 2 (2004), 127-48.

¹² *Ibid*, p. 130.

¹³ Leon Radzinowicz and Roger Hood, 'Judicial Discretion and Sentencing Standards: Victorian Attempts to Solve a Perennial Problem', University of Pennsylvania Law Review, Vol. 127, No. 5 (1979), 1288-1349.

¹⁴ *Ibid*, 1291-2. For more on the Black Act see: E.P. Thompson, Whigs and Hunters The Origins of the Black Act (New York: Pantheon Books, 1975), *passim*.

¹⁵ Radzinowicz and Hood, 'Judicial Discretion', p. 1292.

¹⁶ Peter King, 'The Summary Courts and Social Relations in Eighteenth Century England', Past and Present, Vol. 183 (2004), 125-72; Norman Landau, 'Summary Conviction and the Development of the Penal Law', Law and History Review, Vol. 23, No. 1 (2005), 173-89 and David Philips, 'A

the eighteenth century, summary courts were dealing with a wide range of criminal and civil matters. In short, he argues that the advantage that summary sessions had over higher courts was that were able to deal with a range of affairs more privately, quickly and less formally than the quarter sessions or assizes.¹⁷ He also suggests that the informal nature of the courts allowed magistrates to take account of any mitigating circumstance. However, it is also apparent that magistrates had little formal legal training and King implied that their personal feelings often informed the sentencing decisions that they made. So much so, that many magistrates relied on the clerk of the court to advise them on the more technical points of the law.¹⁸

There can be little doubt from these observations that many of the essential elements that distinguished summary sessions from other supposedly more formal courts were already in place by the end of the eighteenth century. It is also apparent that the petty sessions were dealing with a growing share of the counties' legal business by the beginning of the nineteenth century.¹⁹ Barry Godfrey and Paul Lawrence's study of crime and justice supports this suggestion. They note that by the turn of the nineteenth century, magistrates' courts were handling the bulk of minor

Weak State? The English State, the Magistracy and the Reform of Policing in the 1830s', English Historical Review, Vol. 119 No. 483 (2004), 873-91. Also see: Robert, B. Shoemaker, 'The Old Bailey Proceedings and the Representations of Crime and Criminal Justice in Eighteenth-Century London', The Journal of British Studies, Vol. 47, No. 3 (2008), 559-80 and Miles Ogborn, 'Local Power and State Regulation in Nineteenth Century Britain', Transactions of the Institutes of British Geographer, Vol. 17, No. 2 (1992), 215-26.

¹⁷ A recent study by Barry Godfrey and Paul Lawrence, however, suggests that the higher courts were not always the bastions of respectability that they were supposed to be. They for example noted that it was not unusual for jurors to be drunk during a trial, or for individuals to interrupt proceedings with disorderly behaviour. For more on this see: Barry Godfrey and Paul Lawrence, Crime and Justice 1750-1950 (Cullompton: Willan, 2005), 50-1.

¹⁸ King, 'The Summary Courts', 126-7.

¹⁹ For more on the distinguishing characteristics of assizes and quarter and summary sessions see; Emsley, Crime and Society, p. 14. For a detailed account of procedural differences between these courts also see Bruce P. Smith, 'The Presumption of Guilt and the English Law of Theft, 1750-1850', Law and History Review, Vol. 23, No. 1 (2005), 133-72.

offences.²⁰ Clearly, these studies provide a useful platform for appreciating how legislative reforms affected the way that summary justice was dispensed during the early and middle years of the nineteenth century.

These studies, however, offer an incomplete view of how the judicial system altered in response to the demands of a changing society. In the main, this is because they either take a broad approach to their subject matter, or they are not concerned with how the character of justice in Kent and Oxfordshire altered over time.²¹ Yet an investigation carried out Carl H.E. Zangerl suggests that the social background of magistrates had a direct bearing on how justice was dispensed during the nineteenth century. For example, he noted that the gentry, the aristocracy and the Anglican clergy occupied a prominent position on the county bench before the mid-century.²² After this date, however, the situation started to change. The pace of change was particularly pronounced in districts that experienced the greatest amount of industrial development. In these areas, magistrates were increasingly drawn from the emerging middle class.²³ In contrast, the bench in more rural places continued to be composed of members of the landed classes with local affiliations, into the 1860s and 1870s.²⁴ Roger Swift has suggested that these distinctions may have had important repercussions for the way that justice was dispensed in urban and rural environments. For instance,

²⁰ Godfrey and Lawrence, Crime and Justice, p. 52.

²¹ For example, Godfrey and Lawrence state that it was merely their intention to show how courts evolved from an amateurish system that favoured the 'aggrieved party' to a more professional system that was staffed by 'full-time lawyers and judges'. For more on this see: Ibid, p. 65.

²² Carl E. Zangerl, 'The Social Composition of the County Magistracy in England and Wales', 1831-1837', The Journal of British Studies, Vol. 11, No. 1 (1971), p. 115.

²³ Roger Swift, 'The English Urban Magistracy and the Administration of Justice During the Early Nineteenth Century: Wolverhampton 1815-1860', Midland History, Vol. 18. (1992), 76-7 and 88-9.

²⁴ W.C. Lubenow, 'Social Recruitment and Social Attitudes: The Buckinghamshire Magistrates, 1868-1888', The Huntington Library Quarterly, Vol. 40, No. 3 (1977), 262-4.

he noted that manufacturers who served as magistrates in industrial towns like Wolverhampton were not above capitalising on their new found authority.²⁵

Naturally, this raises questions about whether similar changes occurred in Kent and Oxfordshire. By using Record Linkage it should be possible to see how the complexion of justice was shaped by local concerns and tempered by the social composition of the magistracy. At the same time, this study will be able to show whether the progress of the criminal justice system was facilitated or hindered by the amount of industrial development that occurred in the two regions during the nineteenth century. This undertaking is crucial if this thesis is to fully explain how makeshift households were affected by the different mechanisms that the authorities used to control the behaviour of the labouring population between 1830 and 1885.

It is evident that during the first half of the nineteenth century the law favoured the wealthy. Barry Godfrey and Paul Lawrence have suggested that this was because the plaintiff was largely responsible for the costs that were incurred in a prosecution, prior to the introduction of the Criminal Justice Act 1855.²⁶ The Act transferred a large number of indictable offences to the summary courts. In doing so, it made the legal system more accessible to ordinary citizens.²⁷ However, these changes also increased the workload of magistrates.²⁸ A similar point has been made by David Philips. He noted that the spread of summary justice occurred at a time when the number of capital offences was being reduced and when custodial sentences began to replace transportation as a form of punishment. He argued that these changes not only placed an additional burden on the courts, but observed that the penal system also came under pressure because the reforms affected the outcome of trials.²⁹

²⁵ Swift, 'The English Urban Magistracy', p. 86.

²⁶ Godfrey and Lawrence, Crime and Justice, 49-59.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Philips, Crime and Authority, p. 48.

Yet, it is clear from the literature review that was carried out in chapter two of this thesis, that Philips' study relates specifically to the Black Country. Clearly, there are further opportunities for this chapter to look at how sentencing policies affected the administration of justice in Kent and Oxfordshire. It is not enough, however, for this investigation to simply look at the subject from a single standpoint. Instead, it is argued that it might be more beneficial if it also considered whether prison regimes served as a deterrent to criminals and in doing so, discouraged criminality among the labouring classes. Such an undertaking represents a break with conventional approaches. For instance, several recent studies have examined how the English prison system developed during the nineteenth century.³⁰ Yet, most that are relevant to the localities under study in this thesis have tended to concentrate on prison designs, or have simply outlined the place that certain institutions occupied within the government of the shires.³¹

Much the same can also be said of the surveys that have looked at other institutions that were controlled by local authorities. For example, few studies have looked in depth at how industrialisation affected the performance of the constabulary in either Kent, or Oxfordshire. Again, it is apparent from the work of Foucault that the police exercised considerable power over French citizens. This was not only because they were controlled from the centre, but also because they were supported by an extensive network of paid informers. This coupling allowed the police to project a 'permanent, exhaustive' sense of 'omnipresent surveillance' among France's citizens.³²

³⁰ See for instance: Margaret De Lacy, Prison reform in Lancashire, 1700-1850: A Study in Local Administration (Manchester: Manchester University Press, 1986), *passim* and Norval Morris and David J. Rothman (eds.), The Oxford History Of The Prison: The Practice Of Punishment in Western Society (New York: Oxford University Press, 1998), *passim* and Johnston, Forms of Constraint, *passim*.

³¹ See for instance: Elizabeth Melling, 'County Administration in Kent, 1814-1914' in Frederick Lansberry (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 249-83 and Christopher Chalklin, 'The Towns', in Alan Armstrong (ed.), The Economy of Kent 1640-1914 (Woodbridge: The Boydell Press), p. 221.

³² Foucault, 'Discipline and Punish', in Rivkin and Ryan (eds.), Literary Theory, 476-7.

In contrast, the English constabulary worked independently of the courts and did not begin to take on the appearance of a national force until the second half of the nineteenth century. Moreover, this change did not occur in a uniform manner. Instead, it was driven by the diverse mix of social and political currents that characterised rural and urban politics at this time.³³ Consequently, regional authorities oversaw a wide variety of practices and operational procedures.³⁴ This situation undoubtedly led to difficulties in areas where the constabulary were under-resourced, or poorly disciplined.³⁵

Yet, as chapter two of this thesis showed, few studies have considered whether the constabulary presented an effective deterrent to criminals in either Kent or Oxfordshire. For example, it was argued that Paul Hastings' analysis of crime and public order and Joyce's study of prostitution in Chatham, offer only a partial view of how effective the police were in controlling crime in the Medway basin during the nineteenth century.³⁶ Similar criticism was also levelled at Bernard Reaney for his work on the Otmoor disturbances. In short, it was suggested that it provides

³³ T.A. Critchley, A History of Police in England and Wales (London: Constable and Son, 1978), p. xviii.

³⁴ See for example: Clive Emsley, 'The Bedfordshire Police 1840-1856: A Case Study In the Workings of the Rural Constabulary Act', Midland History, Vol. 7 (1982), 73-92 and David Taylor, 'Conquering the British Ballarat: The Policing of Victorian Middlesbrough', The Journal of Social History, Vol. 37, No. 3 (2004), 755-71. Also see Haia Shpayer Makov, A Work-Life History of Policemen in Victorian and Edwardian England.

Cited from <http://www.clarku.edu/faculty/jbrown/papers/shpayer.pdf>

³⁵ Taylor, 'Conquering the British Ballarat', 756-7.

³⁶ Paul Hastings, 'Crime and Public', in Lansberry (ed.), Government and Politics, 211-48 and Brian Joyce, The Chatham Scandal A History of Medway's prostitution in the late 19th century (Rochester: Baggins Book Bazaar/ Bruce Aubry, 1999), *passim*.

only the briefest overview of the constabulary's role in stemming the protests at Otmoor in the 1830s.³⁷

Clearly, there is more that can be done to show how the various bodies that were responsible for maintaining law and order in the Medway basin and the Ploughley Hundred functioned and to show how they evolved over the nineteenth century in response to changing socio-economic conditions. With these thoughts in mind, this chapter has two main aims. The first is to investigate how the authorities in the Ploughley Hundred and the Medway basin used the courts, the constabulary and institutions like workhouses and prisons to regulate the behaviour of the labouring population. The second is to look at the impact that their actions had on the makeshift strategies of the poor and to consider how the situation altered over the course of the nineteenth century as new legislation was introduced. It is argued that such a study is necessary if this chapter is to show whether petty offenders were motivated purely by hardship, or whether on occasions, they exploited weaknesses in the structure of institutions like the police and justice system in Kent and Oxfordshire.

Such an undertaking does of course present some problems. Space restrictions for example, mean that it will not be possible to comment on all of the different ways that the criminal justice system was transformed by legislation, during the nineteenth century. In turn, it would be impossible to look in great detail at the impact that these changes had on makeshift household within the space that is available here. Finally, record coverage from the early years of the nineteenth century is often patchy. There is little doubt that this makes it hard to draw comparisons between how the law was applied in different districts and how the procedures of the police, judiciary and penal institutions altered over time, as legislation was updated. Aligned to this problem is the fact that the police and court records frequently contain little information about an

³⁷ For more on this see chapter four of this thesis and Bernard Reaney, The Class Struggle in 19th Century Oxfordshire: The Social and Communal Background to the Otmoor Disturbances of 1830-1835 (Oxford: History Workshop, 1970), *passim*.

individual's life before they committed their offence. This of course makes it difficult to link their actions to poverty.³⁸

To overcome these difficulties, this chapter will do several things. Firstly, in order to maintain a sense of continuity with earlier chapters it will concentrate on offences like prostitution and poaching.³⁹ In addition, it will also look at one extra offence; namely vagrancy. There are three reasons why this class of offence should be included in the present study. Firstly, the authorities used the same piece of legislation to curtail prostitution and to control the behaviour of vagrants.⁴⁰ Moreover, it is clear that incidents of vagrancy increased during economic downturns.⁴¹ Finally, Andrea Turner suggests that vagrants were often treated unfavourably by poor law unions and the police during the second and third quarters of the nineteenth century, regardless of the fact that settlement laws made it difficult for individuals to move between districts in search of work.⁴² Because this thesis is interested in the interplay between crime and poverty, it makes sense that this chapter should consider whether vagrants, poachers and prostitutes were treated in a similar manner by the authorities in Kent and Oxfordshire. Moreover, it will allow us to see whether attitudes towards these offences altered between 1830 and 1885.

To do this, it will draw on a range of documents including census reports, prison registers and court records to show how the criminal justice system functioned in the Medway basin and northern districts of Oxfordshire between 1830 and 1885. Where possible, these records will be

³⁸ D.J.V. Jones, 'The New Police, Crime and People in England and Wales, 1829-1888', Transactions of the Royal Historical Society, Vol. 33 (1983), 151-3.

³⁹ See for example, chapters five and six of this thesis.

⁴⁰ Robert Humphreys, No Fixed Abode A History of Responses to the Roofless and the Rootless in Britain (London: Macmillan Press Ltd, 1999) p. 81

⁴¹ Carolyn A. Conley, The Unwritten Law: Criminal Justice in Victorian Kent (New York: Oxford University Press, 1991), p. 152 and Adrian Ager and Catherine T. Lee, 'Prostitution in the Medway Towns 1860-1885', Local Population Studies, No. 83 (Autumn 2009), 21-38.

⁴² Andrea Tanner, 'The Casual Poor and the City of London Poor Law Union, 1837-1869', The Historical Journal, Vol. 42, No. 1 (1999), 183-206.

linked together to create profiles of offenders and members of the prosecuting authorities. This approach should offer a good insight into how the different organs of the judicial system functioned at various times during the nineteenth century. To achieve these objectives, this study will be divided into two main sections. The first part will consider whether the developments that took place in the courts, the prison system and policing affected the conduct of prostitutes and vagrants in north Oxfordshire between 1830 and 1885. Building on work that was started earlier in this thesis, this survey will also look at how the how workhouse officials treated vagrants. Such an analysis is necessary, if this chapter is to show how local conditions influenced the administration of justice and welfare provision in rural parts of the country during the nineteenth century.

The second half of this study will take a similar approach with Kent. Again, for reasons of continuity, this investigation will focus on the region surrounding the Medway town of Chatham. In doing so, it will look at how authority figures used legislation to deal with behaviour that was deemed unacceptable. It seems reasonable that this study should also consider how the authorities used the town's lock hospital to control the problem of prostitution, since Chatham was one of the districts covered by the Contagious Diseases Acts. This survey will then allow some comparisons to be drawn between the kinds of regimes that were in place in institutions that served very different functions. Such a comparison is important if this chapter is to offer a detailed assessment of how the makeshift strategies of the poor were affected by the kind of control that the authorities exerted over the labouring population in the Medway basin and the Ploughley Hundred, between 1830 and 1885.

The Courts, Prisons and Constabulary: Oxfordshire 1830-85

During the early years of the nineteenth century, Oxfordshire's criminal justice system could not be relied upon to support the victims of crime. This point was certainly not lost on a select committee

that was established to investigate the state of policing in England in 1839.⁴³ The committee recognised that a considerable number of offences did not reach court because of the 'trouble' and 'expense' that was incurred in 'pursuing and apprehending felons' and 'for the ordering of the payments' which magistrates had no powers to enforce.⁴⁴ The commissioners were particularly scathing about how the law supported landowners. They argued for example, that farmers in many areas failed to report the theft of livestock 'for fear of being obliged to prosecute'.⁴⁵ Part of this 'fear' resulted from the fact that substantial sums of money could be lost on unsuccessful prosecutions.⁴⁶ Other individuals chose not to take a case to court because they were afraid of reprisals from their neighbours. The committee for example, observed:

in rural districts the constables are mostly farmers, who are often deterred from interfering with old offenders, or with beer-houses, or other resorts of the dissolute, by an apprehension of injury to themselves or property.⁴⁷

Clearly, a number of factors determined whether or not a prosecution took place during the early decades of the nineteenth century. Certainly, individuals who had the means to pay for a court case had a distinct advantage over those who did not. However, it is also apparent that others made a conscious decision not to prosecute because they were keen to avoid a confrontation with the accused after the trial.

⁴³ Royal Commission on Establishing Efficient Constabulary Force in Counties of England and Wales, First Report, Appendix, p. 3. [Microfilm number: 42.130-2; Session 1839; Parliamentary Papers.]

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

There is evidence to suggest that the authorities tried to address concerns of this sort, by offering the plaintiff anonymity. Several entries that appear in Oxford's Calendar of Prisoners for 5th March 1835 support this suggestion. Thomas Clapton, James Calcutt and two other persons were charged with entering 'a certain wood' on the 25th December 1834. They were accused of being armed and having the intention to take game. Similarly, John Greaves was committed for trial after he had 'unlawfully entered an enclosed piece of land at the parish of Finmere...with the purpose of taking or destroying game'. Thomas Pimm, John Harris and William Haines were charged with committing a similar offence in 'certain woodland' situated in Ducklington.⁴⁸ It is noticeable that the plaintiff was not identified in any of the above cases.

Other landowners, however, were less reticent. In the 1820s, the proprietor of some woodland placed an advertisement in Jackson's Oxford Journal (see figure 7.1). In brief, it warned that anyone caught trespassing in Stoke Wood, for whatever reason would be prosecuted. A reward of ten pounds was promised to each and every individual who produced information that led to a conviction.⁴⁹ There is little doubt that such a public declaration meant that the owner of the woods had few concerns about trespassers retaliating if they were prosecuted. In part, this might have been because the person had some standing in the local community. Several clues in the advertisement support this argument. The size of the reward for example, was more than a male agricultural labourer in Oxfordshire could expect to earn in a year.⁵⁰ Additionally, the proprietor placed no

⁴⁸ Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835 (Witney: Black Sheep Publications, 2005), 44-5.

⁴⁹ Jackson's Oxford Journal, (August 24, 1822) and (August 31, 1822).

⁵⁰ Earnings are typically difficult to calculate with any accuracy, since wages could fluctuate according to the seasons and tasks that were performed. However, K.D.M. Snell suggests that an agricultural labourer in Oxfordshire could expect to earn little more than seven pounds a year between 1821 and 1825. K.D.M. Snell, Annals of the Labouring Poor Social Change and Agrarian England 1600-1900, Appendix: Yearly Wages (Cambridge: Cambridge University Press, 1987), p. 415. For more on the factors that affected wages see; Chiaki Yamamoto, 'Two Labour Markets in Nineteenth-Century English Agriculture: The Trentham Home Farm, Staffordshire',

limits on the number of times that they were prepared to pay out such a large sum of money. It seems unlikely that someone with a small tenancy would have been able to enter into such an open-ended agreement with the local inhabitants, no matter how keen they were to gain their support. Potential informants were also invited to contact the Woodward, Samuel Bonner, rather than deal directly with the owner of the enclosure.⁵¹ At the time, Stoke Wood was managed as a hazel coppice.⁵² Therefore, Bonner's title suggests that he was either responsible for the upkeep of the wood, or had a hand in running the operation. Again, this reinforces the notion that the woods' owner was a person of some means, since they retained the services of a skilled workforce.⁵³ Census records show that a family named Bonner was still living in the immediate vicinity of the woods some twenty years later.⁵⁴ It is possible therefore, that one of their forebears was the agent mentioned in the advertisement and that his heirs went on to rent land on the estate that included Stoke Wood. Of course, these observations are largely conjecture.

What is clear, however, is that in spite of the many reservations expressed by the select

Rural History, No. 15, Vol. 1 (2004), 89-116 and Gregory Clark, 'Farm Wages and Living Standards in the Industrial Revolution: England 1670-1869', The Economic History Review, Vol. 54, No. 3 (2001), 477-505.

⁵¹ For more on this see: Jackson's Oxford Journal, (August 24 and 31, 1822).

⁵² Stoke Wood was part of the 3,000 acre estate of Swift House that was purchased by Sir Henry Peyton in 1820.

For more on this see:

<http://www.woodlandtrust.org.uk/en/our-woods/ourwoodsmanagementplans/stoke-wood-oxfordshire-management-plan.pdf> and

<http://frontpage.woodland-trust.org.uk/ancient-tree-forum/atfscapes/focus/oxfordshire.htm>.

⁵³ This being the case, it is likely that Bonner placed the advertisement to demonstrate to his employer that he was doing all that he could to prevent poachers trespassing in the wood, not only to preserve his job, but perhaps to reduce the likelihood that he might be expected to pay for any game that was stolen.

⁵⁴ 1841 Census. [Document number: Class: HO107; Piece 887; Book 9: Civil Parish: Stoke Lyne; County: Oxfordshire; Enumeration District: 9B; Folio: 6; Page: 23; Line: 3; GSU roll: 47457.]

August 1822.

WHEREAS the Woods in the parish of Stoke Lyne have for some years past been much trespassed upon and damaged by persons making roads through the same, for the purpose of gathering nuts, poaching, and otherwise;—*Notice is hereby given*, That all persons found trespassing in the said Woods, for the purpose of gathering nuts, poaching, or upon any other pretence whatsoever, will be prosecuted; and any person giving information to Samuel Bonner, of Fewcott, the woodward, of any offender or offenders, so that he, she, or they may be convicted, shall, on every such conviction, receive a Reward of **TEN POUNDS**, by applying at the office of Messrs. Churchill and Field, Deddington.

August, 1822.

Figure 7.1: 'Reward for Information Leading to the Apprehension of Poachers at Stoke Wood, near Bicester'

Jackson's Oxford Journal, (August 24, 1822).

committee, offences linked to the theft of livestock and poaching occupied a considerable amount of court time in Oxfordshire during the early to mid 1830s. Almost a third of the sixty-six cases that were heard at the Lent Assizes in Oxford on the 26th February 1833 had some connection to these two categories of crimes.⁵⁵

Very occasionally, these records offer a few insights into the kind of people who instigated these prosecutions. They indicate that they were often from the higher orders of society and once again this suggests that the plaintiffs had the means to support the expense of a prosecution.⁵⁶ For example, John Pade, John Dover, Thomas Dover, Charles Boyce, Charles Belcher, Alexander Painter, John Holloway and Robert Thompson were charged with entering preserves owned by the Duke of Marlborough at Bladon Heath on the night of 7th February 1833. During the same session, Samuel Needle was charged with entering Kirtlington Park, the estate of Sir George Dashwood. He was armed with a gun and was accused of trying to destroy game.⁵⁷ Thomas Steven and John Nelmes were said to be members of a poaching gang who assaulted two game-keepers on an estate owned by the Earl of Abingdon on the 1st January 1834.⁵⁸ Likewise, on the 3rd March 1834, Thomas Panting and Edward Panting were charged with 'unlawfully entering Cornbury Park armed with a gun for destruction of game'.⁵⁹

⁵⁵ Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, p. 21-3.

⁵⁶ Emsley has suggested that some landowners chose to prosecute offenders at the assizes and quarter sessions rather than before magistrates at summary sessions because the punishments were harsher and were likely to set an example to others so inclined. Moreover, he noted that this situation was not reversed until the Criminal Justice Act made the courts more accessible to the lower orders of society in the 1850s. Emsley, Crime and Society, p. 198-206.

⁵⁷ Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, p. 22.

⁵⁸ *Ibid*, p. 37.

⁵⁹ *Ibid*, p. 33.

Although the circumstances appear to have been very similar, in each instance, the accused received very different punishments. Of the eight men who were prosecuted by the Duke of Marlborough, one was discharged, another was found not guilty. The rest were sentenced to seven years transportation. Samuel Needle was found guilty and received a nine month prison sentence.⁶⁰ Neither of the men who were supposed to have assaulted the Earl of Abingdon's gamekeepers was punished. Nelmes was discharged, Stevens was found not guilty.⁶¹ In contrast, Thomas Panting and Edward Panting were sentenced to six and twelve months in prison respectively.⁶² Without other supporting evidence, it is difficult to say why these disparities exist. It is possible that they are examples of a judge's own sentiments informing decisions that were made in court, or it might simply be that the longer prison terms were issued to recidivists. This being the case, it is clear that the judiciary were prepared to take an extremely firm line against offenders when the facts of a case could not be mitigated. Of course, such a suggestion implies that judicial discretion played a significant part in trials at this time and indicates that justice in Oxfordshire was very much a lottery.⁶³

It is also evident that judges and magistrates belonged to the same strata of society as the plaintiffs. For instance, William Henry Ashhurst Esq. chaired at least eighteen of the quarter and assize sessions that were held in Oxford, between June 1831 and October 1839.⁶⁴ For several

⁶⁰ Ibid, p. 22.

⁶¹ Ibid, p. 37.

⁶² Ibid, p. 33.

⁶³ Radzinowicz and Hood, 'Judicial Discretion', p. 1289.

⁶⁴ Other notable worthies who presided over these and other sessions included; The Hon. Sir J.A. Park, the Hon. Sir J. Patterson, Sir H.J. Lambert, (13th July, 1831); Sir Joseph Littledale, Sir W.E. Taunton, (Lent Assizes, 1832); Sir John Taylor Coleridge (Lent Assizes, 1835); Thomas Stoner Esq. Sheriff, (Summer Assizes 1836); Philip Thomas Herbert Wykeham, Esq. Sheriff, (Lent Assizes, 1837). For more on this see: Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, 8-51 and Carol Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1836-1839 (Witney: Black Sheep Publications, 2005), 3-54.

generations, the Ashhurst family had been involved in the administration of the country. William's paternal grandfather had been the vice-chancellor of the duchy of Lancaster and his father, whose income was said to be 'commensurably great', was a member of the King's Bench. In 1807, Ashhurst inherited the bulk of his father's estate. This included the family seat at Waterstock, near Oxford.⁶⁵ He served as the Member of Parliament for Oxfordshire between 1815 and 1830, was financially independent and was a man of some influence in the local community.⁶⁶ Because the judiciary moved in the same circles as the social elite, it does not seem unreasonable to suppose that it was worth their while to ensure that their friends and neighbours were protected from poachers and trespassers. As landowners, they also had a vested interest in ensuring that individuals who entered private property were punished.⁶⁷

For some time, however, social reformers had been lobbying for sentencing decisions to be linked more closely to the seriousness of crimes and for the criminal justice system to be overhauled.⁶⁸ As a result, poachers and other petty offenders who at one time might have been sentenced to death were being transported or imprisoned by the 1830s.⁶⁹ Certainly, by the time that Ashhurst and his colleagues were sitting in session, it was not unusual for poachers to see their sentences commuted.⁷⁰ Legislative reforms that were introduced towards the middle of the

⁶⁵ <http://www.oxforddnb.com/view/article/784>

⁶⁶ Ashhurst was described as such in the 1841 census. For more on this see: 1841 Census. [Document number: Class: HO107; Piece 888; Book: 8; Civil Parish: Thame; County: Oxfordshire; Enumeration District: 11A; Folio: 2; Page: 15; Line: 21; GSU roll: 474575] and <http://www.oxforddnb.com/view/article/784>

⁶⁷ Emsley, Crime and Society, p. 15.

⁶⁸ Radzinowicz and Hood, 'Judicial Discretion', p. 1288.

⁶⁹ The number of capital offences was reduced to eleven between 1808 and 1841. Poaching while armed was a capital crime until 1823. Similarly, the death penalty for horses, cattle and sheep was repealed in 1832. See: Philips, Crime and Authority, p. 47, 205 and 253.

⁷⁰ For example: James Joyce (also Joys) and William Castle were charged with stealing foodstuffs and a quantity of fowls at the Lent Assizes on the 5th March 1835. They were found guilty and sentenced to death. However, the records show that these sentences were eventually commuted to

nineteenth century helped to consolidate the powers of the judiciary. Two pieces of legislation in particular warrant further attention. The first reached the statute books due to concerted pressure from authority figures, who were concerned that prisons had a corrupting influence on young petty offenders. They argued that juveniles often progressed into a life of crime, because they mixed with hardened criminals during the weeks and sometimes months that they spent in prison awaiting trial at the assizes and quarter sessions.⁷¹ Emsley has noted:

The middle years of the nineteenth century witnessed legislation which gave much greater organisation and formality to the summary courts...[they] established stricter procedures for preliminary hearings, granted greater protection to magistrates for any innocent breach of the law...and consolidated existing legislation on summary jurisdiction.⁷²

It was against this background of change, that the Juvenile Offenders Act 1847 was introduced. The Act extended the scope of summary justice, by allowing magistrates to hear cases involving young offenders under the age of fourteen, who were accused of simple larceny.⁷³ The significance of the Bill cannot be overstated, since it raised the prospect that magistrates could deal with a wider range of offences summarily. Emsley notes, that even while the Bill was passing through

transportation for life. For more on this see: Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, p. 43 and Emsley, Crime and Society, p. 255.

⁷¹ Emsley, Crime and Society, p. 63.

⁷² Ibid, p. 204.

⁷³ The Juvenile Offenders Bill 1847, defined a simple larceny in the following terms: 'the value of the property, with respect to which the offence shall be committed, shall not exceed the sum of *Forty Shillings*'. For more on this and the workings of the Act see: Bill for more speedy Trial and Punishment of Juvenile Offenders, p. 2. [Microfilm number: 51.10; Session 1847] and Philips, Crime and Authority, p. 132.

parliament, it was suggested that the criterion that was used to judge offences should be reviewed. He observes that many in authority recognised that a large proportion of criminal cases that were heard at the assizes and quarter sessions were for items that had little intrinsic value. It was argued that a considerable amount of money could be saved if these offences were devolved to the summary courts. Although the suggestion did not make it onto the statute books, it did stimulate the appetite of the authorities to allow a wider range of offences to be dealt with by magistrates sitting in summary sessions.⁷⁴

A second piece of legislation that had a measurable impact on how summary justice was administered in the two regions was introduced in 1855. The Criminal Justice Act allowed two magistrates sitting in petty sessions to try individuals accused of stealing or embezzling goods that were worth no more than five shillings. At a stroke, the Act removed much of the expense that was incurred in bringing prosecutions at the quarter sessions or assizes.⁷⁵ As might be expected, this resulted in a general increase in the number of prosecutions for larceny.⁷⁶ However, it did not end there. It also meant that a large number of less serious offences also came under the jurisdiction of summary courts.⁷⁷ Martin J. Wiener explains that the series of acts that were introduced between 1847 and 1855 made it possible:

⁷⁴ Emsley, Crime and Society, 204-5.

⁷⁵ *Ibid*, 204-5.

⁷⁶ Philips, Crime and Authority, p. 22.

⁷⁷ Howard Taylor, 'Rationing Crime: The Political Economy of Criminal Statistics since the 1850's', The Economic History Review, Vol. 51, No. 3 (1998), p. 576.

to process a much higher caseload without creating many expensive new courts. Enforced by professional police and harder working magistrates, the law became less discretionary and less tolerant, pulling in more and more lesser offenders.⁷⁸

Wiener goes on to argue that these changes meant that the spotlight started to fall on marginal social groups like prostitutes and vagrants, who had until then had largely escaped the attention of the authorities.⁷⁹ He also suggests that greater co-ordination between the various bodies that oversaw the administration of the law made this change possible.⁸⁰ It is clear, however, that it was not only law enforcement agencies that benefited from greater co-operation. Poor Law authorities across Oxfordshire also turned to their neighbours for assistance so that they might reduce expenditure on the able-poor. On the 10th December 1863 for example, the board of guardians of the Oxford union met to discuss how they might reduce the costs that were incurred in supporting tramps (see Figure 7.2). The board spent some time scrutinising practices that had been adopted by other unions as far away as Birmingham.⁸¹ Among the ideas that were discussed was the suggestion that vagrants should not be admitted to the workhouse after 9pm, except in urgent cases. Some board members were also in favour of limiting the diets of vagrants and others argued that they should not be given accommodation for a second night.⁸² They also debated how harsh labour schemes might be used to deter the transient poor from appealing to the union for assistance. Only two of the board members present appear to have raised any objections. The most prominent of these was Mr. Neate, a local M.P. He asked for the matter to be postponed, so that it could be given more

⁷⁸ Martin J. Wiener, Reconstructing the Criminal Culture, Law, and Policy in England, 1830-1914, (New York: Cambridge University Press, 1994), p. 50.

⁷⁹ Ibid.

⁸⁰ Ibid, p. 51.

⁸¹ Jackson's Oxford Journal, (December 12, 1863).

⁸² It was noted that almost none of the larger unions allowed tramps accommodation for a second night. For more on this see: Ibid.

consideration. His request was turned down and the board went on to vote in favour of the proposals being adopted in full.⁸³

This episode draws attention to one of the main contradictions of poor law provision at this time; namely that those who required assistance the most, were also those who were treated the harshest. In part, this was because poor law unions continued to enjoy a considerable amount of autonomy over how they administered their affairs.⁸⁴ There can be little doubt that this state of affairs allowed many abuses to go unchecked.⁸⁵ The following extract taken from a handbill circulated by one of the guardians of St. Aldate's workhouse in Oxfordshire serves to illustrate this point further. Henry Holder noted:

⁸³ The board, however, did make one small concession. It was decided that vagrants should only be expected to break two barrow-loads of stones on the morning after their admittance, rather than the three that were originally proposed. For more on this see: Ibid.

⁸⁴ In fact, the parochial approach to workhouse administration persisted into the twentieth century in many areas. Frank Gray the Oxford M.P. and newspaper proprietor for example, visited several Oxfordshire unions in the 1920s, disguised as a tramp. He was treated roughly by the master at Bicester, but concluded that he was simply following orders. He surmised that this was because the guardians wanted to discourage vagrancy in the town.

For more on this see: <http://www.workhouses.org.uk/>

⁸⁵ Steven King and Peter Wood point out that the 1834 Act was poorly policed because funds were limited and the territories the inspectors had to oversee were too large. Although the Poor Law Commission and its later incarnation as the Poor Law Board underwent some structural changes, M.A. Crowther suggests that both authorities were extremely conservative in nature. As a result, the central board concentrated its efforts on 'detering the able-bodied pauper; and neither its structure nor its finances enabled it to take a firm lead'. For more on this see: Steven King, Poverty and Welfare in England, 1700-1850 (Manchester: Manchester University Press, 2000), p. 67 and Peter Wood, Poverty and the Workhouse in Victorian Britain (Strood: Alan Sutton Ltd, 1991), p. 102. Also see: Crowther, The Workhouse System, p. 80 and 81-2.

TREATMENT OF TRAMPS.

The CHAIRMAN stated that the House Committee had received a great amount of information from other Unions, and it appeared that in very few places had there been anything like so large an increase of tramps as in Oxford. Many Unions in this neighbourhood had a very different course of treatment, some having no tramp ward, others giving the tramps lodging money or providing lodgings, and others offering so little inducement as to keep tramps nearly altogether away. In Shipston, where the relief was entrusted to the police, the cost of a whole quarter was only 1s. 4d., and Northleach also offered very scanty accommodation. The Committee were not prepared with any complete code, but they had agreed to certain recommendations which they believed would effect a vast improvement, viz. :—1. To refuse admission after 9 p.m., except in urgent cases. This was done in Birmingham, and would prevent the porter from being called up at all hours of the night. 2. To give no food to those entering after 7, except in cases of necessity, so as to relieve the streets of the beggars who infested them in the evening. 3. To give each male tramp entering before 7 o'clock 7 ounces of bread (instead of 5 of bread and 1 of cheese), and each woman 6 oz., and the same quantity for breakfast if they work, but not otherwise. 4. No tramp to be admitted a second night—the practice of almost all the large Unions. 5. The amount of work to be breaking three barrow loads of stones, being about three hours' labour, and any able-bodied person refusing to do this not to be discharged without four hours' notice. 6. The clothes to be taken from them at night, and if practicable dried, a coarse but warm night covering being furnished them, and this to be cleansed daily.

Mr. NEATE, M.P., moved the postponement of all but the last resolution till the first week of the January term, and urged at some length the necessity of time for consideration, expressing a strong conviction that increased stringency would lead to a much greater amount of indiscriminate private charity, and would provoke the tramps to desperate courses, that they were at present lodged in inferior dog-kennels, and that under the regulations proposed they would die by hundreds on the road, to which many of them had taken through necessity. Greater stringency would lead either to the increase of crime or to starvation. His own opinion was that the question should be entrusted to the police, and he thought they would have to return to the old vagrancy laws, both in their kindness and their severity.

Ald. WARD seconded the amendment.

The Rev. O. Ogle, the Mayor, and Mr. Cross replied to Mr. Neate's arguments, while Mr. Greenwood objected to the refusal of supper after 7, and Mr. Venables to the increased task, approving the other proposals.

Mr. NEATE having replied, urging that the money consideration was insignificant, the maintenance only costing 1d. per day each, the resolutions were proposed *seriatim*. Mr. Neate's amendment having been negatived by 8 to 5, the first was carried by 7 to 2.

All the other resolutions were also adopted, the task being reduced to two barrow loads of stones.

The sitting was an unusually protracted one.

Figure 7.2: 'The Treatment of Tramps'.

Jackson's Oxford Journal, (December 12, 1863).

It is an astonishing fact that there is, and has been for nearly twelve months past, a diseased female locked up in a cell, and the greater part of last week solitary, and kept for four months without medicine, or any means being used to restore her health - thus leaving the poor creature to die piecemeal...a more reached-looking emaciated creature I never beheld.⁸⁶

Michael Rose has claimed that no more than twenty percent of the pauper population saw the inside of the workhouse in the middle years of the nineteenth century. Yet, he also conceded that it was still 'a source of terror' for the majority of the labouring poor.⁸⁷ It is perhaps not difficult to imagine how incidents like those described above, may have contributed to this climate of fear and in doing so encouraged paupers to do all that they could to stay outside of the workhouse.⁸⁸ Contemporary sources like newspapers and popular verses suggest that this situation continued into the latter years of the century.⁸⁹ Clearly, the poor were placed in an extremely difficult position if

⁸⁶ An entry in the Henley Master's Journal suggests that practices of this kind were widespread in Oxfordshire. The record notes that: 'much inconvenience arises in consequence of there being no lock up cell for refractory paupers; on two occasions during the week the master has been obliged to remove dead bodies from the present lock-up and place refractory paupers therein, in order to prevent assault and the destruction of the union property'. For more on this see: Jackson's Oxford Journal, (August 19, 1848) and Master's Journal Henley Workhouse December 1849-September 1851. [Document number: PL4/W/A1; Oxfordshire County Records Office.]

⁸⁷ Michael E. Rose, The English Poor Law 1780-1930 (Newton Abbott: David and Charles Ltd, 1971), p.160-70.

⁸⁸ Similar sentiments were expressed by the academic and journalist, H.Taine. Taine made several visits to England between 1861 and 1871. His observations formed the basis the "Notes" that were syndicated in newspapers and in book form in France, the United Kingdom, the United States, India, Canada and Australia. For more on this see: W.F. Rae, (ed.), H. Taine Notes on England (New York: 1885), ix-xxx and 300-2.

⁸⁹ See for instance: G.R. Wythen Baxter, The Book of the Bastiles or the History of the Working of the New Poor-Law, p. 609 and Rae (ed.), H. Taine Notes on England, p. ix-xxx, 300-2.

they were afraid to enter the workhouse, but found that their regular income streams were disrupted.⁹⁰ The onset of industrialisation certainly had such an effect on poor households in rural parts of the country.⁹¹ Similarly, new legislation that outlawed customary practices could also undermine the solvency of makeshift households. Peter Kirby's work on child labour markets for instance, demonstrates how important the earnings of children were to rural households throughout the nineteenth century.⁹²

Reforms that were introduced in 1880, however, made education for all children between the ages of five and eleven compulsory.⁹³ Shortly afterwards, a spate of prosecutions were brought against parents who failed to send their children to school.⁹⁴ In all, two hundred and seventy eight individuals were proceeded against before justices in Oxfordshire, during the year ending September 1880.⁹⁵ This pattern continued. In Oxfordshire, there were more than two hundred such

⁹⁰ Olwen H Hufton, The Poor of Eighteenth Century France 1750-1789 (Oxford: Clarendon Press, 1974), especially chapters III and IV.

⁹¹ Sara Horrell and Jane Humphries, 'Women's labour force participation and the transition to the male breadwinner family, 1790-1865', Economic History Review, Vol. 48, No. 1 (1995), p. 89.

⁹² Peter Kirby, Child Labour in Britain 1750-1870 (Basingstoke: Palgrave Macmillan, 2003), 111-4.

⁹³ C.P. Hill, British Economic and Social History 1700-1982 (London: Edward Arnold Publishers Ltd, 1985), 208-9 and Kirby, Child Labour in Britain, p. 111.

⁹⁴ For example, on the 27th August 1880, seven men were prosecuted on behalf of the school board for breaching the *Elementary Education Act*. The men were all found guilty and received fines with costs. The courts stressed that they faced imprisonment if they failed to pay their fines. Further prosecutions appear at regular intervals throughout the Bicester court records. Closer analysis of these documents suggests that the prosecutions often occurred at times when the demand for agricultural labour was greatest. Seven individuals were prosecuted for instance on the 22nd April 1881, for non-attendance offences; four had outstanding orders against them. For more on this and seasonal patterns of child labour see: Bicester Register of Court Summary Jurisdiction. [Private Collection] and Kirby, Child Labour in Britain, *passim*.

⁹⁵ Return of Judicial Statistics of England and Wales, 1880, p. 29. [Microfilm number: 87.828-30; Session 1881; PP.]

prosecutions in 1889.⁹⁶ This suggests that parents in the region were still strongly opposed to the Act, more than a decade after it had been introduced. Of course, it is possible that they were simply registering their dissatisfaction with a piece of legislation that offered them few material benefits. If this was the case, it would not be unreasonable to expect the number of prosecutions to dwindle as people grew more accustomed to the reforms. In fact, the opposite was true. This suggests that other factors were at play. In this instance, labouring households were prepared to accept criminal sanctions rather than comply with the law. Again, it is argued that this was because they relied heavily on the contribution that their children's earnings made to their household economies.

Similar arguments can also be used to explain why other crimes like poaching continued to occupy a significant amount of court time into the latter part of the nineteenth century. For instance, the summary courts dealt with one hundred and eighty four poaching related offences in Oxfordshire in 1880.⁹⁷ These numbers are particularly surprising because they occurred after the Game Laws had been relaxed and at a time when the police enjoyed greater powers to stop and search suspects.⁹⁸ Unfortunately, Judicial returns give no indication of how many of these prosecutions occurred in the Ploughley Hundred. However, surviving petty session records suggest that magistrates in Bicester were prepared to exact harsh penalties for any infringements of the Game Laws at this time.⁹⁹ On the 11th March 1881 for instance, Anthony Hall was prosecuted for 'killing a pigeon of the value of 11s. the property of Samuel Deeley at Arncott on the 24th of February'. Anthony was found guilty and ordered to pay for the bird and court costs which

⁹⁶ Return of Judicial Statistics of England and Wales, 1889, p. 29. [Microfilm number: 96.673-6; Session 1890; PP.]

⁹⁷ Return of Judicial Statistics of England and Wales, 1880, p. 29. [Microfilm number: 87.828-30; Session 1881; PP.]

⁹⁸ For more on poaching in earlier parts of the century see chapter five of this thesis. For more on the Game and police reforms see: Emsley, Crime and Society, p. 82.

⁹⁹ Again, to compare these penalties with those that were issued to poachers during the earlier part of the nineteenth century see chapter five of this thesis.

amounted to 13s. 6d. within thirteen days, or face seven days in prison.¹⁰⁰ On the same day William John Ingram the excise officer of Bicester, brought a case against Thomas Hall of Arncott for 'carrying a gun without a licence', at Arncott on the 26th January 1881. He was convicted and ordered to pay a 'penalty' of 10s. with an additional 13s. in costs, 'to be levied by distress, or 7 days imprisonment'.¹⁰¹ Nearly a decade later, 'five young men' appeared before magistrates in Bicester accused of stealing rabbits on the 2nd of November 1888. The entries do not make it clear whether these individuals were poachers. However, four of the men were subsequently charged with trespass on the 1st February 1889.¹⁰² One of the offenders, Fredrick Massey, was charged with 'shooting game, killing game with wire' on the 27th February 1889.¹⁰³

Unfortunately, the surviving records do not show what the outcome of these trials was. However, a handwritten note that was found with the registers, suggests that magistrates were not above imposing prison sentences on poachers at this time, especially if the individual concerned had previous convictions (see Figure 7.3).¹⁰⁴ There are no marks or signatures on the document that allow its provenance to be checked. However, the fact that it relates to the aforementioned Anthony Hall and includes the details of his place of residence and the offence that he committed on the 11th March 1881, suggests that it is genuine. The note provides a summary of the offences that he was known to have committed throughout the 1880s and early 1890s. It shows that he was prosecuted and convicted of various offences on at least eight separate occasions between 1881 and 1892. Five of his convictions were directly related to the theft of game or livestock. Two others were for

¹⁰⁰ The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [PC.]

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Again, more than one hundred and thirty individuals were prosecuted for poaching related offences in 1889. Ibid and Return of Judicial Statistics of England and Wales, 1889, p. 29. [Microfilm number: 96.673-6; Session 1890; PP.]

¹⁰⁴ Handwritten Note Relating to Anthony Hall's Convictions. [PC.]

stealing hand tools. In all, he served five terms in prison with hard labour. Of these, four of the sentences lasted for three weeks or more. Using Record Linkage, it is possible to argue that at least two of the offences were motivated by poverty. For example, the word 'distress' was entered alongside Hall's details in the Summary Register for 11th March 1881.¹⁰⁵ Moreover, the handwritten note also shows that his last conviction was for vagrancy. In this instance, it is clear that if Hall and the other men were in distressed circumstances they preferred to face criminal sanctions, rather than appeal to the authorities for help.

So what was it about poor law institutions that may have encouraged the men described above to turn to crime instead of asking for shelter inside the workhouse? Well, once inside, inmates were expected to fully comply with the rules of the establishment. Minor infractions were dealt with quickly. Individuals might find that they were placed on restricted diets, or were subjected to periods of confinement in refractory cells.¹⁰⁶ Acts of insubordination which threatened the order of the workhouse were dealt with more severely. Crowther suggests that some individuals deliberately provoked the authorities, firm in the belief that their behavior would not be tolerated and that they might face a term in prison.¹⁰⁷ Petty session records for Bicester appear to support this line of argument. They show for instance, that three men were tried by magistrates at Bicester

¹⁰⁵ For more on this and a more complete account of the perilous state of the Hall family's finances, see: The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [PC] and chapter five of this thesis.

¹⁰⁶ Crowther, The Workhouse System, 211-2.

¹⁰⁷ *Ibid*, p. 211.

Anthony Hall of Struce H

11 th March 1880	Killing a Pigeon	Fined 4/-	County Court
18 th Jan 1882	Stealing a Fowl	21 days	H.L.
1 st Nov 1882	Stealing a Spade	21 days	H.L.
24 th Dec 1882	Stealing a Steel Fork	1 Month	H.L.
14 Nov 1884	Game Trespass	Fined 3/-	Court 1st
24 th Dec 1885	Killing a Hare	Fined 5/-	Court 1st
21 Nov 1890	Stealing Six Fowls	21 days	H.L.
30 th Sep 1892	Vagrancy	7 days	H.L.

Figure 7.3: Handwritten Note Detailing Anthony Hall's Offences and Convictions [PC].

between the 21st and 24th of December 1880, for refusing to break stones at the Union workhouse.¹⁰⁸ They were identified in the records as ‘tramps’ and appeared in court within a day of their dispute with the workhouse master, Thomas Blackaby.¹⁰⁹ Again, this highlights the speed with which petty incidents could be dealt with summarily. All three, were sentenced to 14 days in the county prison ‘with hard labour’.¹¹⁰

These prosecutions give the impression that Thomas Blackaby was used to dealing with incidents of this sort. Evidence to support this argument can be found in another case where Blackaby was the complainant. Charles Cunningham appeared before the town’s magistrates on the 2nd March 1881, within hours of refusing to break seventy pounds of stones at the Union House in Bicester. He was described as an ‘idle and disorderly person’. He pleaded guilty to the offence and was sentenced to seven days in prison with hard labour.¹¹¹ Incidents of this sort help to illustrate

¹⁰⁸ In fact, records of disturbances similar to this can be found in records for Bicester, dating back to the early 1840s. It is also clear that workhouse disputes were common in many other localities. Prison records for instance, show that seventeen individuals were imprisoned in Aylesbury Gaol prison between December 1870 and July 1874 and October 1877 and September 1878, for various misdemeanours which they committed whilst in the workhouse. Similarly, 41 vagrant paupers were confined in Maidstone Gaol for disorderly behaviour in the six month period spanning November 1883 to May 1884. For an example of how the Bicester authorities dealt with one such dispute see: Jackson’s Oxford Journal, (December 9, 1848). For more on Aylesbury see:

http://www.buckscc.gov.uk/bcc/archives/ea_libprisoners.page. For more on Maidstone see: North Kent Register of Committals for Maidstone Prison 1883-1885. [PC.]

¹⁰⁹ Record Linkage was used to determine Blackaby’s occupation. His entry in the Summary Registers connected with the details he submitted to census enumerators. Document: The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [PC] and 1881 Census of England and Wales. [Document number: Class: RG11; Piece: 1508; Folio: 86; Page: 1; GSU roll: 1341364.]

¹¹⁰ Again, it is clear that these were not isolated incidents. For more on this see: The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court. [PC] and chapter four of this thesis.

¹¹¹ The Register of the Court of Summary Jurisdiction Sitting at the Bicester Magistrates Court.

the kind of power that minor officials like Blackaby were able to wield over the laboring poor.¹¹² The fact that very little time elapsed from when the men refused to work and were taken before the magistrates also suggests that the lines of communication between Blackaby and other authority figures were good. That they were so quick to clamp down on refractory behavior also implies that they wanted to send out a stern message to would-be offenders.¹¹³

One must of course question why inmates might have chosen imprisonment over the regime of the workhouse. Some may have done so in the belief that the poor law authorities would look after their families in their absence. It is certainly clear that the government wanted to know how many women and children were maintained by unions because the head of the household had been imprisoned for contravening the Game Laws.¹¹⁴ This explanation, however, is really only relevant for individuals who had dependents. For others, it might have been a strategy to escape ill-treatment.¹¹⁵ Although it is true that prison and workhouse regimes started to resemble each other, it is also clear that there were fundamental differences in the way that the two institutions were run. Poor law unions continued to enjoy a certain amount of latitude over how they administered their affairs for much of the nineteenth century. In contrast, the prison system was already moving towards centralisation in the 1840s.¹¹⁶ Social reformers like John Howard, Thomas Hanway and

¹¹² This perspective is supported by the work of M.A. Crowther. She notes that the workhouse master was given considerable latitude in matters of discipline, especially in unions where the guardians were less active. As a consequence, the character of the master to a large extent determined whether paupers were treated sympathetically. Crowther, The Workhouse System, p. 114.

¹¹³ Emsley, Crime and Society, 204-7.

¹¹⁴ Return of Number of Women and Children Chargeable to Poor Law in England and Wales, 1856, in Consequence of Persons by Whom Maintained Being Confined in Gaol for Offences Against Game Laws. [Microfilm number: 63.444; Session 1857-8; PP.]

¹¹⁵ Crowther, The Workhouse System, p. 44 and 196-8 and 211.

¹¹⁶ *Ibid.*

Jeremy Bentham were largely responsible for bringing about these changes.¹¹⁷ As well as drawing up proposals for new prison designs, they also suggested that solitary confinement and labour schemes could be used to rehabilitate offenders.¹¹⁸

This shift in policy is certainly evident from the sentences that were meted out by judges on the Oxford circuit.¹¹⁹ By the 1820s, inmates in the county gaol at Oxford were being put to work. It is clear, however, that the prison's design limited the kind of labour schemes that could be employed in the prison.¹²⁰ The gaol was built on the site of Oxford's old castle and conditions inside were said to be cramped and unsanitary when John Howard visited it during the early 1780s.¹²¹ Towards the end of that decade, work started on extending and improving the institution. The plan allowed for a new city gaol and Bridewell to be built and inmates were involved in carrying out some of the building work.¹²² Few structural alterations were made to the gaol between 1800 and 1830. However, some changes were made to how it functioned as a penal

¹¹⁷ Randall McGowen 'The Well-Ordered Prison', in Morris and Rothman (eds.), The Oxford History of the Prison, 77-83.

¹¹⁸ See for example: John Howard, The State of the Prisons in England and Wales, With Preliminary Observations, and an Account of Some Foreign Prisons and Hospitals (London: 1792) and Jonas Hanway, Distributive Justice and Mercy: Shewing, that a Temporary Real Solitary Imprisonment of Convicts, Supported by Religious Instruction, and Well Regulated Labour, is Essential to their Well-being, and the Safety, Honour, and Reputation of the People (London: 1781). Also see: John Bowring (ed.), The Works of Jeremy Bentham, Vol. IV, (Edinburgh: 1843), 37-172.

¹¹⁹ Of the sixty six individuals who were sent for trial at the Lent Assizes on the 26th February 1833, twenty four were transported and twenty two received prison sentences ranging from three to nine months. For more on this see: Richmond, Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835, 21-3.

¹²⁰ Account of Gaols, Houses of Correction and Penitentiaries in England and Wales 1819, p.39. [Microfilm number: 20.144-145; Session 1819; PP.]

¹²¹ John Howard, The State of the Prisons (London: J.M. Dent and Sons Ltd, 1929), 211-3.

¹²² Ibid.

institution.¹²³ By the 1830s, the inmates were performing a limited range of duties as part of their daily routine. Female prisoners were employed in washing and ironing and the males ground corn and pumped water, using a system of mills. The men were also set to work on a treadmill. Prisoners who were not sentenced to hard labour carried out maintenance tasks within the precincts of the gaol.¹²⁴

Despite the best efforts of reformers, it is clear that few improvements were made to the way that prisoners were treated in more rural parts of the county. The market town of Bicester for example, had no prison. Instead, offenders were held in a cage that measured just twelve feet in diameter.¹²⁵ Summary conviction returns highlight some of the problems that the authorities encountered due to the lack of basic custodial facilities. The authors of the report noted:

There is no place of confinement in this division, which contains 38 parishes, for persons apprehended for felony, or any other offence, and much inconvenience has been found in consequence; the constables are compelled to keep prisoners at their own houses for safe custody, previous to commitment, or sit up all night with them at

¹²³ Account of Expenses of Building, Repairing and Furnishing Gaols and Houses of Correction in England and Wales, 1800-31. [Microfilm number: 34.117; Session 1831; PP.]

¹²⁴ Reports and Schedules Pursuant to Gaols Acts, p. 201-3. [Microfilm number: 36.209-12; Session 1833; PP.]

¹²⁵ This facility was shared by the townships of Market-End and King's-End and the 36 other parishes which made up the Ploughley Hundred. A similar lockup was in use at Chatham. These facilities, however, were often inadequate. The one at Tonbridge was said to be "hardly fit to put a dog into". For more on this see: Return of Number of Persons Committed to Prison on Summary Convictions in England and Wales by Justices of Quarter Sessions, 1834-5, p. 95. [Microfilm number: 39.312-4; Session 1836; PP] and Roy Ingleton, Policing in Kent 1800-2000 (Maidstone: Cranborne Publications, 2006), p. 35. Also see: Hastings, 'Crime and Public Order', in Lansberry (ed.), Government and Politics, p. 248.

the public-house, which is too often the case, whereby the ends of justice are endangered.¹²⁶

There are two possible explanations for the state of affairs described above. Either, the local inhabitants were unwilling, or unable to finance better gaol facilities in Bicester. Poor law records and census reports suggest that funding shortages may have played a part in their decision. They show that Bicester experienced little in the way of economic growth between 1821 and 1831 and at this time, poverty was a considerable problem in the area. Shortly after the passing of the 1834 Act, the town's administrators found it necessary to erect an expensive new workhouse.¹²⁷ It therefore seems unlikely that with such a large project to finance, the authorities would have had much success in raising the necessary funds to build a modest sized prison, even if they had wanted to.¹²⁸

The penal reforms that were introduced during the first half of the nineteenth century were clearly intended to treat offenders more humanely. Prisons were not simply regarded as places where criminals should be punished, but were also seen as institutions where their character could be improved. Yet, it is apparent that many of the older prisons, like the county gaol at Oxford were

¹²⁶ Return of Number of Persons Committed to Prison on Summary Convictions in England and Wales by Justices of Quarter Sessions, 1834-35. [Microfilm number: 39.312-4; Session 1836; PP.]

¹²⁷ 1821: Bicester Parish (King's End Township -271; Market-end Township - 2,273) total 2,544. 1831: Bicester Parish (King's End Township - 1,540; Market-end Township - 980) total 2,520. Figures extracted from: Abstract of Answers and Returns under Act for Taking Account of Population of Great Britain 1821. [Microfilm number: 24.111-8; Session 1822; PP] and Abstract of Population Returns of Great Britain, 1831, p.498. [Microfilm number: 36.259-78; Session 1833; PP.] The grounds and building programme eventually cost the authorities the not inconsiderable sum of four thousand pounds. For more on this see: Carol Richmond (ed.), Bicester Poor Law Union and Workhouse Records 1834-1851, (Witney: Black Sheep Publications, 2006), p. 2.

¹²⁸ Prisons remained under local control until the 1870s, when Edmund Du Cane was charged with the responsibility of bringing about reform. For more on this see: Sean McConville, 'The Victorian Prison: England, 1865-1965', in Morris and Rothman (eds.), The Oxford History of The Prison, p. 127.

ill-suited to these reforms. Outdated buildings for example, meant that overcrowding was commonplace and only the most rudimentary work schemes could be used. The authorities in smaller towns like Bicester continued to make use of lockups that served no other purpose than to detain prisoners before they were sent for trial.

Improvements continued to be put in place over time and by the late 1870s, the centralisation of the prisons was almost complete.¹²⁹ As a result, county prisons like the one at Oxford were more heavily regulated. Of course, it would be wrong to suggest that conditions inside all institutions improved incrementally across the board, or that prison life was particularly pleasant. The day to day routine continued to be extremely regimented; prisoners were confined in solitary cells, they performed task work and often faced dietary restrictions.¹³⁰ A report that was published in 1878, for instance, makes it clear that conditions inside Oxford's county gaol were no less spartan than they had been earlier in the century.¹³¹ In spite of this, the returning officer does suggest that the inmates were well cared for. It was noted that:

¹²⁹ Randall McGowen has suggested that the opening of Pentonville in 1842 marked a pivotal moment in penal policy in England. He noted that its radical panopticon design influenced prison building programmes across the world. He also observed that 'it became the model for the construction of many local prisons in the decades that followed...the prison held 520 prisoners in separate cells. Four wings radiated out from a central point, from which one could observe each cell door'. McGowen 'The Well-Ordered Prison', in Morris and Rothman (eds.), The Oxford History of the Prison, p. 92. For a detailed examination of how the prison system moved towards centralisation also see: McConville, 'The Victorian Prison', in Morris and Rothman (eds.), The Oxford History of the Prison, 124-38.

¹³⁰ McConville, 'The Victorian Prison', in Morris and Rothman (eds.), The Oxford History of the Prison, 130-8.

¹³¹ This was especially true for prisoners who were detained in the county prison for less than a month. Their diets were extremely plain. Males and females who were sentenced to less than seven days were fed 1 pint of oatmeal gruel for breakfast and supper and 1lb of bread for dinner. Prisoners who served more than seven day, but less than twenty one days were given bread with all of their meals. The diets of prisoners whose sentences exceeded twenty one days, but were less

The surgeon attends daily, and oftener if necessary. He states that the general health of the prisoners has been good; that there has been no epidemic; that the provisions are good in quality; and sufficient in quantity to maintain the health and strength of the prisoners; clothing and bedding sufficient.¹³²

The prison at Oxford was thoroughly refurbished during the early 1880s and greater emphasis was placed on the moral wellbeing of the prisoners. Juveniles were carefully supervised and library books provided a welcome distraction to prison life.¹³³ This trend continued. In later years, the laundry was rebuilt, the drainage system was updated and the prisoners were allocated more exercise space. In 1886, the inspectors noted that:

The juvenile offenders, the prisoners awaiting trial, and all convicted prisoners, have been frequently visited...the health of the prisoners on the whole has been very good.

The food has been sufficient and of good quality, and water supply also good. The

than four months were more varied. They included soup, vegetables and cooked meats. For more on this see: Inspectors of Prisons of Great Britain 1. Southern District, Forty-second Report, 295-6. [Microfilm number: 84.302-6; Session 1878; PP.]

¹³² The same report also suggests that conditions inside the prison were less crowded than they had been earlier in the century. The prison had 142 certified cells and on the 29th September 1876 there were just 84 prisoners in the prison. It will be remembered from above that the prison was operating beyond its intended capacity in 1818. For more on this see: Ibid, p. 292 and 295 and Account of Gaols, Houses of Correction and Penitentiaries in England and Wales 1819, p.39. [Microfilm number: 20.144-5; Session 1819; PP.]

¹³³ Corns of Prisons, Sixth Annual Report, Appendix 1883, Part II, 83-4. [Microfilm number: 89.253-6; Session 1883; PP.]

clothing has been suitable and ample and the prisoners' labour has been properly graduated.¹³⁴

Of course, allowances have to be made for the fact that these records only present the authorities' perspective. Nevertheless, it is clear that Oxford prison, once nationalised, saw many improvements. In contrast, there continued to be great variation in the standards of care that institutions that remained under the control of the local authorities across Oxfordshire provided to the labouring population. It is therefore not difficult to imagine why the routine of a prison may have appealed to some, when the alternative was to enter a workhouse that was poorly supervised.¹³⁵

It seems likely from the above, that some sections of the labouring population in Oxfordshire found themselves on the wrong side of the law because they wanted to maintain a degree of independence from the poor law authorities. Yet, it is also apparent that the constabulary, as agents of law and order, posed few threats to determined criminals for much of the period covered by this thesis. There was, for example, no regular system of policing in Oxfordshire until reforms were introduced in the 1850s.¹³⁶ Instead, a number of different arrangements were in place throughout the county. The county town of Oxford was a case in point. Here, two forces with

¹³⁴ Ibid, 75-6.

¹³⁵ This opinion is supported by accounts of the different strategies that the poor employed to avoid the workhouse. D.J.V. Jones, in his study of poaching for example notes that labourers were prepared to risk imprisonment rather than see their families installed in the workhouse. Similarly, H. Taine observed: 'The workhouse is regarded as a prison; the poor consider it a point of honour not to go there'. For more on this see: D.J.V. Jones, 'The Poacher: A Study in Victorian Crime and Protest', The Historical Journal, Vol. 22, No. 4 (1979), p. 838 and Rose, The English Poor Law, p. 171.

¹³⁶ Critchley, A History of Police in England and Wales, 140-2.

separate responsibilities worked alongside each other from the 1820s onwards.¹³⁷ Two issues occupied the majority of their time: pubs and beer houses that infringed licensing laws and prostitution.¹³⁸ Watch committees made up of unpaid citizens patrolled the city during daylight hours. A private force of officers assumed control of the streets between 9pm and 4am. This force was funded by the university and was supposed to deal with the large numbers of prostitutes who were drawn into the area on the promise of easy pickings among the city's wealthy students.¹³⁹

It is difficult to say how large this combined force was, because the records do not account for officers who were employed on a casual or part-time basis.¹⁴⁰ Disturbances that broke out during the first half of the nineteenth century, however, suggest that their numbers were insufficient to maintain order among Oxford's growing population, which stood at nearly twenty one thousand by the early 1830s.¹⁴¹ It is also clear that the arrangement led to supervisory and disciplinary problems and there can be little doubt that these factors impacted upon how effectively crime was

¹³⁷ This situation arose out of an agreement that was forged between the Vice Chancellor and city officials in 1826. In short, new legislation had removed the right of the Vice Chancellor to imprison women who were unable to give a good "account of themselves" and were thought to be involved in prostitution. After two years of negotiations it was agreed that the city authorities would restore these powers if the university covered the expense of imprisoning the women. Arthur J. Engel, "Immoral Intentions": The University of Oxford and the Problem of Prostitution 1827-1914', Victorian Studies, Vol. 23, No. 1 (1979), p. 81.

¹³⁸ *Ibid*, p. 83.

¹³⁹ *Ibid*, p. 81.

¹⁴⁰ Figures that give some indication of how large this force was were not produced until the 1860s. In 1868 the university force and the city constabulary was amalgamated. For more on this see: Engel, "Immoral Intentions", p. 98 and Jennifer Hart, 'Reform of the Borough Police, 1835-1856', English Historical Review, Vol. 70, No. 276 (1955), p. 418.

¹⁴¹ In fact, on several occasions during the first half of the nineteenth century, the authorities in Oxford found it necessary to call on the militia to suppress violent outbreaks. Alan Crossley and C.R. Elrington (eds.), Victoria County History A History of the County of Oxford Volume 4, (London: Institute of Historical Research, (OUP), 1979), *passim*.

controlled in the city.¹⁴² From the University's perspective, however, there was one positive outcome to the arrangement that it had with the city authorities; this was that the presence of its force helped to push prostitution away from the city limits and into the suburbs.¹⁴³

In Oxfordshire, this dual system of policing was unique to the city precincts. In outlying rural districts, it was more usual for a parish constable to maintain law and order. The men were usually drawn from the local artisan or labouring population and were often expected to perform a variety of roles, including serving notices and summonses on behalf of the judiciary.¹⁴⁴ Appointments were commonly made on an annual basis and it was not unusual for constables to work part-time, for little or no remuneration. Their job was often made more difficult because they were frequently responsible for large territories.¹⁴⁵ The fact that these men were unpaid and from the local population also compromised their operational effectiveness; clearly, there was little incentive for them to pursue offenders within their immediate neighbourhood with any sort of vigour.¹⁴⁶ Similar sentiments were expressed by the social commentator J.B. Freeland in the late 1830s. He noted:

The system, as a whole, is manifestly very defective, and no feeling of security, either for person or property, can be associated with it...[the constable] when taken from the Labouring Class...is not a person likely to bestir himself against an offending or

¹⁴² Hart, Reform of the Borough Police, 420-1 and Critchley, A History of Police in England and Wales, 131-2.

¹⁴³ Engel, "Immoral Intentions", 94-5.

¹⁴⁴ J.B. Freeland, State of the Police in the Rural Districts, with Some Suggestions for its Improvement (London: 1839), p. 6.

¹⁴⁵ Bedfordshire constables were each expected to patrol more than eleven square miles. Emsley, Crime and Society, p. 88.

¹⁴⁶ David Philips and Robert D. Storch, Policing Provincial England 1829-1856 (London: Leicester University Press, 1999), p. 4.

suspected neighbour, whose friends may, perhaps, be his own associates. Besides, some other stimulus than a mere sense of duty, is necessary to impel him to exertion.¹⁴⁷

The situation was little different in smaller urban centres like Bicester.¹⁴⁸ Although the region's population was of a modest size, the authorities appear to have made few attempts to establish a permanent force of constables in the area. Of course, this reluctance might have been because they were unwilling to bear the expense of maintaining a regular force, or because they simply believed that it was unnecessary. Alternatively, it may have been linked to a deep rooted suspicion that civil liberties would be eroded if the constabulary was placed on a more permanent footing.¹⁴⁹ Concerns of this sort were not easily dispelled and took time to subside. Certainly the authorities tried to address worries of this sort, by placing limits on the number of constables that could be employed in any particular locality in the 1830s.¹⁵⁰ The quotas, however, were set so low as to have a negligible effect on the constabulary's ability to maintain law and order.¹⁵¹ Whatever the authorities' reasons were for not appointing constables in Bicester, it is evident that this failure

¹⁴⁷ Freeland, State of the Police, 6-7.

¹⁴⁸ Around two and a half thousand inhabitants were living in the two townships that formed the commercial hub of the Ploughley Hundred in the 1820s. Abstract of Answers and Returns under Act for Taking Account of Population of Great Britain (Enumeration Abstract; Parish Register Abstract), 1821, p. 258. [Microfilm number: 24.111-8; Session 1822; PP.]

¹⁴⁹ Philips, 'A Weak State?', 875-7.

¹⁵⁰ The County Constabulary Force Act 1839, stipulated that there should be no more than one constable per thousand head of population. For more on this see: Jackson's Oxford Journal, (October 10, 1840).

¹⁵¹ A similar point is made by W. Thornhill with regards to the Parish Constables Act, 1842. W. Thornhill, A Police Centenary, p. 108.

Cited from <http://pa.oxfordjournals.org/cgi/reprint/IX/1/106.pdf>

allowed rioters to destroy several buildings in the town in 1826.¹⁵² Another episode of civil unrest erupted a year later as a result of a wage dispute between agricultural labourers. On this occasion, magistrates acted swiftly and appointed twenty five special constables. As a consequence, little serious damage was done to property in the town and it seems that some lessons were learned.¹⁵³ Shortly afterwards, a regular watch was established to patrol the town at night.¹⁵⁴ Constraints of some sort, however, meant that the number of permanent constables was not increased. A newspaper report from the period suggests that only one officer patrolled the town in 1828 and a number of residents were concerned enough about crime to take matters into their own hands.¹⁵⁵ Sometime between 1836 and 1839, they used a local act to set up a voluntary subscription scheme. The scheme paid for three ex-Metropolitan officers to police the town's streets.¹⁵⁶ It is possible that these men were recruited for their professional status, the Metropolitan force had after all been asked to assist the authorities with a series of disturbances at Otmoor in the early 1830s.¹⁵⁷ Yet it is just as likely that they were brought in from outside the area to avoid the kind of conflicts of interest that arose when men with local loyalties were recruited.¹⁵⁸ Whilst there is nothing in the records to

¹⁵² Mary D. Lobel (ed.), The Market Town of Bicester: A History of the County of Oxford: Volume 6 (London: Institute of Historical Research, (OUP), 1959), 14-56.

¹⁵³ A newspaper account of the episode suggests that the house of the town surveyor was targeted by the protesters. Details cited from: The Morning Chronicle, (December 17, 1827).

¹⁵⁴ Ibid.

¹⁵⁵ Jackson's Oxford Journal, (March 1, 1828).

¹⁵⁶ Philips and Storch, Policing Provincial England, p. 241.

¹⁵⁷ Observations made by Haia-Shpayer-Makov, however, suggests that the force did not always deserve this reputation. She notes for example, that it was plagued with problems associated with poor discipline and low morale for several years after it was instituted. Haia Shpayer-Makov, A Work-Life History of Policemen, 1-15. For more on the conduct of the Metropolitan officers who were involved in the disturbance at Otmoor see: Reaney, The Class Struggle, 46-60.

¹⁵⁸ The superintendent who oversaw policing at Otmoor during disturbances found that he could not depend on men from the locality of the moor because they were not only "drunken – and negligent", but on occasions also helped to sabotage the police operation. Reaney, The Class Struggle, 52-3.

substantiate either of these arguments further,¹⁵⁹ there can be little doubt that the constables' main priority would have been to protect the interests of the select few who paid into the scheme and their very presence suggests that for some at least, crime was a pressing concern.¹⁶⁰

For the next twenty years there was little change in this situation. The government tried on several occasions to get the authorities in Oxfordshire to adopt a county-wide system of policing. These attempts, however, were stoutly resisted by magistrates who were unwilling to give up their powers over the constabulary.¹⁶¹ As a consequence, the complexion of policing in the county continued very much along parochial lines and remarks made by one of the superintending constables of Oxfordshire suggest that the rural force was largely ineffective.¹⁶² Mr. David Smith was responsible for policing in thirty parishes. In evidence submitted to a select committee, he noted that none of the constables under his control were suited to the detection or pursuit of criminals. In fact he went so far as to observe: 'I consider myself, that six of the Essex county constabulary that I had under me previous to coming to Oxfordshire would be equal to the 70 parish constables now under me'.¹⁶³

For a contemporary account of some of the problems that the rural police encountered, see: Freeland, State of the Police, 6-7.

¹⁵⁹ For example, the records give no indication of the kind of criteria the consortium used to recruit the officers. Nor do they show how efficiently the men carried out their duties once they started work.

¹⁶⁰ Philips and Storch, Policing Provincial England, p. 241.

¹⁶¹ Critchley, A History of Police in England and Wales, 78-80 and 88-92 and Hastings, 'Crime and Public Order', in Lansberry (ed.), Government and Politics, 239-40.

¹⁶² Government returns for example, show that the Rural Police Act 1839, was not adopted in Oxfordshire. Return of Number and Charge of Rural or Municipal Police in Each County, City and Borough in England and Wales, and Ireland, p. 6. [Microfilm number: 56.334-5; Session 1852; PP.]

¹⁶³ Select Committee on Uniform System of Police in England, Wales and Scotland, Second Report, Proceedings, Minutes of Evidence, Appendix, Index, p. 88. [Microfilm number: 57.239-42; Session 1852-3; PP.]

The County and Borough Police Act 1856 made it compulsory for the authorities in Oxfordshire to establish a regular force of constables.¹⁶⁴ However, it would be wrong to suggest that this piece of legislation brought about an immediate transformation in the force's ability to detect crime or to apprehend criminals. Police numbers for example, remained fairly static.¹⁶⁵ In 1859 there were less than 100 constables across the whole of Oxfordshire and at the time, the county force was said to be at full strength.¹⁶⁶ The authorities, however, did spend money on improving the county's portfolio of buildings. As a result, a new station house was built at Bicester.¹⁶⁷ Over the next ten years or so, the building programme continued to improve the infrastructure of divisional station houses and for the most part, little consideration was given to strengthening or improving the capabilities of the county's police force.¹⁶⁸ Negligible population growth in towns like Bicester for example, meant that few vacancies were created, even when the

¹⁶⁴ Ingleton, Policing in Kent, 22-3.

¹⁶⁵ The ratio of officers was determined by the number of inhabitants that lived in a particular area. In 1859, the authorities in Oxfordshire used a ratio of 1 officer per 1,450 inhabitants to calculate this figure. The most recent census report to this date suggests that there were just over three thousand inhabitants living in the two townships of Bicester at this time, meaning that the town's officials would have employed no more than two constables. Officer ratio extracted from: Reports of Inspectors of Constabulary to Secretary of State, 1858-59, p. 29. [Microfilm number: 66.452-4; Session: 1860; PP.] Population figures for Bicester taken from: Population Tables, 1851, Part 1. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume 1 Report, England and Wales, 1-VII; Area and Population, (Division III), p. 32. [Microfilm number: 57.616-24; Session 1852-3; PP.]

¹⁶⁶ It was reported that Oxford's 'two distinct forces' were 'inefficient'. A similar verdict was returned on the constabulary at Banbury. For more on this see: Reports of Inspectors of Constabulary to Secretary of State, 1858-9, p. 29. [Microfilm number: 66.452-4; Session: 1860; PP.]

¹⁶⁷ There can be little doubt that this improved the town's custodial facilities. For more on this see: *Ibid*, p. 30.

¹⁶⁸ Reports of Inspectors of Constabulary to Secretary of State, 1867-68, p. 37. [Microfilm number: 75.253-5; Session 1868-9; PP.]

ratio of officers to population increased.¹⁶⁹ If anything, the constabulary in rural districts like the Ploughley Hundred saw their role become more difficult, when the system of parish constables was abolished in the 1870s.¹⁷⁰ This slow rate of change was not uncommon and it is clear from research carried out by D.J.V. Jones, that detection rates in rural counties like Oxfordshire were sometimes lower than they might have been, had the police reforms had been adopted with more enthusiasm.¹⁷¹

The Courts, Prisons, Lock Hospitals and Constabulary: Kent 1830-85

On the surface it would appear that many comparisons could be drawn between the way that the authorities in Kent and Oxfordshire governed and the influence that they had on the behaviour of the poorer sections of the labouring community. Record Linkage shows that the benches of the assizes, quarter sessions and magistrates' courts were certainly occupied by a similar class of men.¹⁷² Joseph Berens for example, was one of the justices who oversaw the running of Maidstone Gaol in the 1830s. He was a local man of independent means.¹⁷³ Sir Edward Knatchbull was

¹⁶⁹ By 1874 the ratio of officers to head of population had been reduced to 1:1,415. Bicester, however, had seen little increase in its population numbers. In 1871, there were just 3, 018 individuals registered as living in the town, meaning that the Bicester probably still only had 2 police officers. Details for police ratios extracted from: Reports of Inspectors of Constabulary to Secretary of State, 1873-4, p. 54. [Microfilm number: 81.271-4; Session 1875; PP]. Details for Bicester taken from: Census of England and Wales 1871 Volume 1. Area, Houses and Inhabitants (Counties), p. 298. [Microfilm number: 78.570-6; Session 1872; PP.]

¹⁷⁰ Reports of Inspectors of Constabulary to Secretary of State, 1873-4, p. 55. [Microfilm number: 81.271-4; Session 1875; PP.]

¹⁷¹ D.J.V. Jones, 'The New Police', p. 154 and D.J.V Jones, 'The Poacher', p. 830.

¹⁷² For a complete list of Justices of the Peace for Kent and Oxfordshire for the 1830s and 1840s, see: Returns of Persons Appointed Justices of Peace in Each County in England and Wales, July 1836-42. [Microfilm number: 46.233-4; Session 1842; PP.] For more on the socio-economic background of the justices, see: Elizabeth Melling, 'County Administration in Kent, 1814-1914', in Lansberry (ed.) Government and Politics, 253-6.

¹⁷³ Details extracted from: <http://www.visionofbritain.org.uk/> and Reports and Schedules Pursuant to Gaols Acts, p. 122. [Microfilm number: 36.209-12; Session 1833; PP] and 1841 Census.

chairman of the East Kent Quarter Sessions and a local landowner. He was an MP who was sympathetic to the plight of the poor and played a prominent role in the county's affairs at the time of the Swing disturbances.¹⁷⁴ Another, Sir William Cosway, rose from humble beginnings to serve under Lord Collingwood at Trafalgar. He was said to be a man of some integrity and his opinion was certainly trusted. In the early 1830s he was asked to give evidence before a select committee on how the county rates were spent.¹⁷⁵

It is open to debate as to whether Cosway's apparent even-handed character influenced how he dealt with proceedings in court. What is evident, however, is that there was a clear structure to the county's judicial system. For administrative purposes, Kent was divided into two divisions. Quarter sessions for the eastern part of the county were held at Canterbury. Sessions for the western part were held at Maidstone. At a more local level, petty sessions had been dealing with minor administrative and judicial matters since the seventeenth century.¹⁷⁶ Unfortunately, the series of papers relating to trials at the petty sessions for the Medway basin are incomplete. Despite this setback, several things are clear from government returns about how justice was dispensed in the

[Document number: Class HO107; Piece 481; Book: 10; Civil Parish: St Mary's Cray; GSU roll: 306874.]

¹⁷⁴ Knatchbull was chairman of the General Sessions from 1833 to 1848. He was an MP until 1845 and was a member of the government under Peel. He also came from a family of some means. In 1815, the value of his father's salary and emoluments was said to exceed eight hundred pounds a year. For more on this see: Melling, 'County Administration in Kent', in Lansberry (ed.), Government and Politics, p. 254 and Return of Persons Employed in Civil Depts. of United Kingdom, 1815 and 1829, p. 90. [Microfilm number: 32.134-5; Session 1830; PP.] Also see: Griffin, "Policy on the Hoof", 127 and 131.

¹⁷⁵ Sir William Richard Cosway's details were fleshed out from information gathered from a variety of different sources. Select Committee of House of Lords on Charges of County Rates in England and Wales, Minutes of Evidence, Appendix, Index. [Microfilm number: 38.106-10; Session 1835; PP] and The Essex Standard, and Colchester, Chelmsford, Maldon, Harwich, and General County Advertiser, (June 14, 1834). Also see: <http://www.flickr.com/photos>.

¹⁷⁶ Melling, 'County Administration in Kent', in Lansberry (ed.), Government and Politics, p. 249.

region during the first half of the nineteenth century. Firstly, that the dockyard town of Chatham, with its large transient population, had no resident magistrate until the latter part of the 1860s.¹⁷⁷ The reasons for this are unclear. However, Elizabeth Melling suggests that financial considerations may have played their part.¹⁷⁸ Petty sessions, however, were held nearby at Rochester, three times a week.¹⁷⁹

Government returns suggest that the petty sessions in the region were busy affairs. Justices at Rochester for instance, returned 320 guilty verdicts between 1840 and 1842.¹⁸⁰ A further 487 individuals, were convicted at the sessions that were held in the two divisions of Upper and Lower Aylesford during the same period.¹⁸¹ Sadly, these records give no indication of how many cases ended in acquittals. Nor do they give any insights into the range of offences that the magistrates dealt with. Without this information it is of course difficult to show how criminality may have been linked to social and economic conditions in particular areas. Other reports that were produced during the 1840s, however, suggest that magistrates spent a considerable amount of their time

¹⁷⁷ Ibid, p. 252 and Hastings, *Crime and Public Order*, in Lansberry (ed.), Government and Politics, p. 238.

¹⁷⁸ Melling, 'County Administration in Kent', in Lansberry (ed.), Government and Politics, 249-51.

¹⁷⁹ An additional session was held at the Sir John Falstaff Inn, Higham, near Rochester, once a month. Other sessions were held nearby at the Royal Oak Inn at Bearstead and the Swan Inn, West Malling in the east and north divisions of Aylesford. For more on this see: Return of Description of Buildings in Which Justices of Petty Sessions Districts in England and Wales Hold Usual Sittings, 16-7. [Microfilm number: 49.262; Session 1845; PP.]

¹⁸⁰ Similarly, in the northern part of Kent at Gravesend, twenty one individuals received summary convictions between October 1834 and September 1835. The figures when broken down show that more than half of this total was convicted for offences that had some connection to pauperism. Five were convicted for begging, four for vagrants and another three for misbehaving in the workhouse. Unfortunately, these records give no indication of how long these prison terms were. Return of Number of Persons committed to Prison on Summary Convictions in England and Wales by Justices of Quarter Sessions, 1834-35, p. 57. [Microfilm number: 39.324-4; PP.]

¹⁸¹ Abstract Return from Clerks of Petty Sessions in England of Fees, Convictions and Costs, 1840-42, 17-8. [Microfilm number: 47.316-317; Session 1843; PP.]

dealing with offences like poaching that often had some connection to poverty.¹⁸² Magistrates in the Lathes of Aylesford for instance, convicted more than one hundred individuals for game offences alone, between 1846 and 1848. The vast majority received prison sentences, after they failed to pay fines that ranged from a few shillings to several pounds.¹⁸³ Chapters five and six of this thesis explore the relationship between non-payment of fines and prison sentences in more detail than is necessary here.¹⁸⁴ Instead, it will suffice to say that in many cases, the fines amounted to more than an agricultural labourer might reasonably have been expected to earn in a good week of full employment.¹⁸⁵

Again, these discrepancies are not easily explained. The records, for example, do not reveal whether the lighter sentences indicate that magistrates showed mercy towards first time offenders,

¹⁸² Hobsbawm and Rudé, Captain Swing (London: Lawrence and Wishart, 1970), 80-2.

¹⁸³ Abstract Return of Persons convicted of Offences against Game Laws at Petty Sessions, Quarter Sessions and Assizes, in England and Wales, May 1846-August 1848; Inquests on Persons Killed in Affrays between Gamekeepers and Poachers, November 1832-1848, p. 111. [Microfilm number: 53.333-4; Session 1849; PP.]

¹⁸⁴ For more on this see chapters three and five of this thesis.

¹⁸⁵ Average earnings in the agrarian sector are notoriously difficult to calculate. Allowances for example, need to be made for regional and seasonal differentials. However, Gregory Clark suggests that on average, an agricultural labour in the south east would have earned no more than 11s. for a six day week during the winter in the late 1840s. Earnings during the summer months may have increased by as much as 11%. On this basis, a Kentish labourer in full employment at the height of summer may have earned between 13s. and 14s. a week. The fines levied on the poachers, however, ranged from a few shillings to more than five pounds. Figures calculated using the standard 12d per shilling, multiplied by a factor of six to determine average earnings for a six day working week. For more on agricultural earnings see: Gregory Clark, 'Farm Wages and Living Standards in the Industrial Revolution: England 1670-1869', The Economic History Review, Vol. 54, No. 3 (2001), 477-505. For more on poaching convictions see: Abstract Return of Persons convicted of Offences against Game Laws at Petty Sessions, Quarter Sessions and Assizes in England and Wales, May 1846-August 1848; Inquests on Persons killed in Affrays between Gamekeepers and Poachers, November 1832-August 1848, 43-4. [Microfilm number: 53.333-4; Session 1849; PP.]

or were more lenient because the game that was taken had little value. Conversely, there is nothing to suggest that the longer sentences relate to recidivists or are simply evidence of an arbitrary justice system that allowed a magistrate's personal views on a matter to inform the decisions they made in court. Certainly, there is evidence to suggest that even men with a reputation for treating the poor with compassion, were not above insisting that poachers were prosecuted when they were found on their land.¹⁸⁶ Sir Edward Knatchbull for instance, was behind at least three of the cases that were heard at the Ashford petty sessions between 1846 and 1848. In light of the above comments, it is perhaps significant that in each case the individuals served terms in prison because they failed to pay their fines.¹⁸⁷ Clive Emsley argues that changes in the law helped to reshape attitudes towards social crimes and bring about a reduction in offences like poaching. He notes:

The most extreme inequalities of the Game Laws were swept away in 1831; but the Poaching Prevention Act 1862, which empowered police to stop and search suspects, together with the Ground Game Act 1880, which gave tenant farmers inalienable rights over hares and rabbits on their property, seem to have had the side effects of reducing sympathy for the poacher and making him appear more of a 'criminal'.¹⁸⁸

This shift in attitudes certainly appears to have had a marked effect on the activities of poachers in Kent. Government returns for instance, show that only 49 individuals were imprisoned in

¹⁸⁶ For more on Knatchbull's biographical background, see: Griffin, "Policy on the Hoof", *passim*.

¹⁸⁷ Abstract Return of Persons convicted of Offences against Game Laws at Petty Sessions, Quarter Sessions and Assizes in England and Wales, May 1846-August 1848; Inquests on Persons killed in Affrays between Gamekeepers and Poachers, November 1832-August 1848, p. 43. [Microfilm number: 53.333-4; Session 1849; PP.]

¹⁸⁸ Emsley, Crime and Society, p. 82.

Maidstone gaol for game offences between 1858 and 1859.¹⁸⁹ However, it is clear that one or two years of irregular activity could have a distorting effect on trends.¹⁹⁰ Evidence to this effect can be found in judicial returns that were produced just a few years later. In the year ending September 1864, 196 game related offences were dealt with summarily across the county of Kent.¹⁹¹ Three years later, this figure had increased to 255, for all of the police districts in Kent.¹⁹² By linking different government returns, it is possible to see how this trend continued. In 1869, two hundred and ninety one game offences were determined summarily.¹⁹³ Of these, 260 or 89%, ended in successful convictions. The conviction rates for Oxfordshire for the same period were only slightly lower at 86%.¹⁹⁴ Again, this suggests that the authorities in both areas were prepared to make full use of the legal justice system to deal with offenders who were caught poaching.

¹⁸⁹ Another 20 were imprisoned at Canterbury and one individual was confined in Dymchurch gaol. The records therefore suggest that only 70 individuals served prison sentences across the whole of Kent, for offences against the game laws between 1858-9. Summary reports for the year ending September 1859, appear to support the notion that poaching was in decline. They show that only 96 individuals were proceeded against summarily in Kent's seven police districts. For more on this see: Return of Number of Persons Committed for Offences Against Game Laws to Prison in United Kingdom, June 1858-59. [Microfilm number: 66.452; Session 1860; PP] and Return of Judicial Statistics of England and Wales 1859, p. 29. [Microfilm number: 66.515-7; Session 1860; PP.]

¹⁹⁰ King, Crime, Justice, and Discretion, 148-50.

¹⁹¹ Return of Judicial Statistics of England and Wales, 1864, p. 27. [Microfilm number: 71.404-7; Session 1865; PP.]

¹⁹² Return of Judicial Statistics of England and Wales, 1867, p. 27. [Microfilm number: 74.754-6; Session 1867-8; PP.]

¹⁹³ Return of Judicial Statistics of England and Wales, 1869, P.27. [Microfilm number: 76.604-6; Session 1870.]

¹⁹⁴ Percentage determined by dividing the number of convictions by indictments and multiplying by 100. Conviction rate cited from: Return of Number of Convictions Under Game Laws and Prevention of Poaching Act in Each County in England and Wales, 1869. [Microfilm number: 76.542; Session 1870; PP.]

For some inexplicable reason, the authorities altered their system of record keeping in later decades. Consequently, record linkage cannot be used to determine what the conviction rates for game offences were in the late 1870s and 1880.¹⁹⁵ In spite of this setback, judicial statistics published at the time suggest that poaching was still a problem in the region. Magistrates in Kent dealt with nearly two hundred separate misdemeanours related to poaching in the year ending September 1874. Yet, the records also suggest that prosecutions for game offences were beginning to stabilise, supporting Emsley's assertion that new legislation and police reforms introduced during the second half of the nineteenth century reduced any support the public had for poachers.¹⁹⁶ However, it is clear that in Kent at least, other factors were also at play. The influx of industries associated with shipping and construction for example, encouraged rapid population growth in the Medway basin.¹⁹⁷ There can be little doubt that the urban sprawls that grew up around the dockyards and manufacturing centres encroached on the natural habitat of poachers in the region.¹⁹⁸ It therefore seems reasonable to suggest that the decline in poaching might also be explained in part by growing urbanisation. It seems unlikely for instance; that a poacher would have wanted to

¹⁹⁵ Committal records for game offences no longer appear in the parliamentary papers after 1872. Similar records are also absent from the local record offices in the Medway basin.

¹⁹⁶ One hundred and seventy one individuals went before magistrates for game offences in Kent in 1884. In the last year covered by this thesis, magistrates in Kent dealt with two hundred and nine poaching related offences. For more on this see: Return of Judicial Statistics of England and Wales, 1874, p. 27. [Microfilm number: 81.643-5; Session 1875; PP] and Return of Judicial Statistics of England and Wales, 1884, p. 27. [Microfilm number: 91.694-6; Session 1884-5; PP.] Also see: Return of Judicial Statistics of England and Wales, 1885, p. 27. [Microfilm number: 92.555-7; Session 1886; PP] and Emsley, Crime and Society, p. 82

¹⁹⁷ Between 1831 and 1881, the population of Chatham, Gillingham, Maidstone increased from about 39,000 to nearly 77,000. William Page (ed.), The Victoria History Of The Counties of History of Kent Volume III (London: St. Catherine Press, 1932), p. 360 and 370.

¹⁹⁸ J.M. Preston, Industrial Medway: An Historical Survey (Rochester: England, J M Preston, 1977), p. 65. For a solid account of how the region was transformed by the brick industry see: Frank G. Willmott, Bricks and Brickies (Chatham: Frank G. Willmott, 1972), *passim*.

venture into unfamiliar territory unless he was truly desperate, especially after the police were given greater powers to detain suspicious characters.¹⁹⁹

At the same time, there can be little doubt that the authorities were in a better position to deal with behaviour that they found unacceptable as the machinery of government improved. During the early years of the period covered by this thesis, there appears to have been little co-ordination between the different agencies that were responsible for the administration of the county's affairs. In 1818 for instance, a new prison was opened at Maidstone.²⁰⁰ Norman Johnston notes that for some time it was the largest and one of the most complex prisons in the country.²⁰¹ Its modern design meant that prisoners could be punished with exacting labouring regimes and were able to produce goods that were useful to the local economy. The fruits of their labour went towards the upkeep of the prison.²⁰² This clearly gave it an advantage over the county gaol that was in use at Oxford.²⁰³

The haste with which the Medway justices raised the funds to build Maidstone prison suggests that they saw the institution as crucial to the maintenance of law and order in the region.²⁰⁴

¹⁹⁹ Emsley, Crime and Society, p. 82.

²⁰⁰ Melling, 'County Administration in Kent', in Lansberry (ed.), Government and Politics, p 258.

²⁰¹ Johnston, Forms of Constraint, p. 58.

²⁰² Male inmates sentenced to hard labour manufactured among other things hop bags and sacking. It will be remembered from an earlier chapter that hops were grown extensively throughout Kent. There was also some commercial value to the work that females performed. They did needle work and were employed in the laundry. Those who were on lighter duties maintained the prison garden and carried out maintenance work around the prison. For more on the economy of Kent see chapter three of this thesis. Also see: Reports and Schedules Pursuant to Gaols Acts, p. 122. [Microfilm number: 36.209-12; Session 1833; PP.]

²⁰³ Maidstone prison was capable of holding up to four hundred and fifty three prisoners in separate cells. This number increased to 543 if the cells were not used for single occupancy. For more on this see: *Ibid*, p. 121.

²⁰⁴ Elizabeth Melling notes that it took just five years to raise the necessary funds to purchase the site of the new gaol. Originally, the prison was to be a joint venture, financed by the Medway

The project in its early stages, however, met with strong opposition from the region's rate-payers. Their chief concern was how much the institution was going to cost. To assuage their fears, the authorities allowed the building work to be staggered over eight years. Consequently, the first inmates were not admitted until 1819. By the time that it was completed, the prison cost in excess of one hundred and sixty three thousand pounds.²⁰⁵ There can be little doubt that these huge construction costs placed a considerable strain on the region's finances and made it difficult for the authorities to secure funding for other large scale projects in later years. Evidence to this effect can be seen in the way that the Medway Union coped with the introduction of the New Poor Law. Within twenty years of Maidstone prison opening, the Poor Law Commission abolished the old system of out-relief and instructed local authorities to establish poor law unions. From the outset, it seems that the Medway Union was not in a position to adopt all of the proposals put forward by the Commission.²⁰⁶ For example, it continued to pay small sums in out-relief to the able-poor.²⁰⁷ In spite of pressure from the Commission, it also delayed building a new workhouse that could accommodate all of the different classes of paupers within a single institution. The Union waited until the late 1850s before opening a new workhouse at Chatham, and even then, it was only able to house a small proportion of the needy from the local community.²⁰⁸ Again, the guardians had little

authorities and East Kent justices. The East Kent division, however, pulled out of the project after a new prison and courthouse was erected at Canterbury. Work started on the site in 1811 and was sufficiently advanced for inmates to be admitted to the prison in 1819. For more on this see: Melling 'County Administration in Kent', in Lansberry (ed.), Government and Politics, p 258.

²⁰⁵ Ibid.

²⁰⁶ For more on the rules and regulations imposed on paupers see: King, Poverty and Welfare, 27-9. Also see 'workhouse life' <http://users.ox.ac.uk/~peter/workhouse/index.html>.

²⁰⁷ Medway Poor Law Union; Minute Book of the Board 8th September 1835-7th August 1837. [Document number: G/Me/Am 1] and <http://www.workhouses.org.uk/>.

²⁰⁸ There were 42,796 individuals living within the bounds of the Medway Union in 1851. The new workhouse only had room for 650 inmates. Population Tables, 1851, Part 1. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume 1. Report, England and Wales, 1-VII; Area and Population Div II, p. 4. [Microfilm number: 57.616-24; Session 1852-3; PP.]

choice but to continue with the payment of out-relief to large numbers of the able poor.²⁰⁹ Three years after the Chatham workhouse opened, some two hundred and twenty three male and female adult able poor were still being assisted outside of the institution during the winter months.²¹⁰

In spite of this apparent display of generosity towards some sections of the poor, government returns suggest that unions in Kent pursued an active policy of discrimination against vagrants. On the 1st January 1858, some 75 vagrants were supported inside and outside of the county's workhouses. At a more local level, only six of these individuals were relieved by the Medway Union and all had to enter the workhouse.²¹¹ In contrast, a total of 13 indigents were assisted by unions in Oxfordshire and of these, only 5 were admitted to the workhouse. It is particularly telling that none of these individuals were assisted by the Bicester Union.²¹² On the surface, these finding might suggest that unions in Oxfordshire were less tolerant of vagrants than their counterparts in Kent. Yet it seems likely that a significant proportion of these variations can be explained by population differences and the fact that there were considerably more unions in Kent than Oxfordshire.²¹³ Even so, Kentish unions made significant cuts to the amount of relief that they provided to indigents over the next few years. Records for the 1st of January for instance, show

Also see: <http://www.workhouses.org.uk/>.

²⁰⁹ The year before the new workhouse opened at Chatham, the Medway Union helped one hundred and ninety five able-bodied men and women away from the workhouse. Comparative Statement of Number of Paupers Relieved, January 1857 and 1858, 32-3. [Microfilm number: 62.270; Session 1857/2; PP.]

²¹⁰ Comparative Statement of Number of Paupers Relieved, January 1861 and 1862, 27-8. [Microfilm number: 67.429-30; Session 1861; PP.]

²¹¹ Comparative Statement of Number of Paupers Relieved, January 1857 and 1858, 20-1 and 32-3. [Microfilm number: 62.270; Session 1857/2; PP.]

²¹² Ibid.

²¹³ The population of Kent stood at 545,072, in 1861. In contrast census reports show that there were only 171,223 individuals living in Oxfordshire at the same time. Comparative Statement of Number of Paupers Relieved, January 1861 and 1862, p. 14 and 24. [Microfilm number: 67.429-30; Session 1861; PP.]

that only 34 vagrants received relief from the county's twenty six unions and of this number, only 6 were assisted outside the workhouse.²¹⁴ Similarly, unions in Oxfordshire remained steadfast in their approach to vagrancy. Of the twelve vagrants who were supported by the nine unions across Oxfordshire, none were relieved outside of the workhouse.²¹⁵

Of course it is possible that vagrancy was not a particular problem for the authorities in either region during the wintertime. Research produced by Caroline Conley, however, suggests that in Kent at least, the opposite was true. For example, she has noted that:

Arrests for summary offences such as...begging and misdemeanours related to the Vagrancy Act...increased markedly during times of economic crisis, such as the harsh winters of 1861 and 1862 and especially the years of severe unemployment in Kent between 1867 and 1873.²¹⁶

Conley's remarks suggest that indictments for offences associated with vagrancy increased during periods of economic depression. It is here that we find one of the main contradictions at the heart of the New Poor Law. For instance, it is evident from the above and the study that was carried out in chapter four of this thesis, that the Act of 1834 discouraged poor law unions from supporting able-bodied indigents who fell on hard times. However, it is also clear that this policy was at odds with settlement laws that restricted the movement of paupers.²¹⁷ The laws were originally intended to

²¹⁴ The records also show that that none of the recipients of this relief were helped by the Medway Union. For more on this see: Ibid, p. 25.

²¹⁵ Ibid, 14-5.

²¹⁶ Conley, *The Unwritten Law*, p. 133 and 152.

²¹⁷ The Act of Settlement 1662 allowed parishes to remove outsiders who were 'likely to be chargeable to the Parish'. The law remained in place until amendments were made to the New Poor

reduce the burden that non-residents placed on parish rates.²¹⁸ Yet, it is also apparent that they also discriminated against those who were on the road in search of work.²¹⁹

Even after the law was amended in 1865, poor law unions in Kent were still reluctant to assist vagrants.²²⁰ Conley suggested that this was not only because they were concerned that they would become a drain on the local resources, but also because they were regarded with suspicion. To support this argument she noted that:

the Vagrancy Act...authorised the arrest of anyone a constable suspected was about to commit a felony, misdemeanor, or breach of the peace, as well as anyone loitering or whose name and address was unknown. In other words, having been labelled as criminal types, tramps were being arrested as suspicious characters.²²¹

For administrative purposes, able bodied vagrants were divided into two 'occupational' classes by the poor law authorities.²²² The first was made up of unskilled labourers and navvies who were on the road in search of work; the second, was described as 'habitual' tramps and professional beggars. The authorities viewed the latter class with the greatest suspicion.²²³ Even though it was recognised that underemployment and unemployment contributed to vagrancy, elaborate schemes were devised

Law in 1865. For more on this see: Ibid, p. 151 and Dorothy Marshall, The Poor in the Eighteenth Century (London: George Routledge and Sons, Ltd, 1926, 161-224.

²¹⁸ Ibid.

²¹⁹ Ibid.

²²⁰ Conley, The Unwritten Law, 151-2.

²²¹ Ibid.

²²² Rachel Vorspan, 'Vagrancy and the New Poor Law in Late-Victorian and Edwardian England', The English Historical Review, Vol. 92, No. 362 (1977), p. 60.

²²³ It is evident that vagrant numbers varied not only between regions, but also fluctuated according to the season. M.A. Crowther for example, has noted that Kentish unions supported large numbers of vagrants during the harvest. For more on this see: Crowther, The Workhouse System, p. 248 and Vorspan, 'Vagrancy and the New Poor Law', 60-1.

to discourage itinerants from appealing to unions for assistance. The Bridge Union for example, introduced a ticketing system in the 1860s. This meant that vagrants who wished to enter the workhouse had to obtain permission from a police constable or an overseer. In contrast, the Medway Union stipulated that vagrants should be housed in a 'casual ward' if they arrived at the workhouse without an order from the relieving officer.²²⁴ Within a few years unions were doing more to deter vagrants.²²⁵ 'Wayfarer' or ticketing systems were introduced, whereby casuals were encouraged to follow a prescribed route past designated workhouses, to a destination where they might find employment. In return they were to be provided with food and board for a night.²²⁶ The Maidstone Union was quick to take up the idea and introduced its own scheme in 1871.²²⁷ Schemes such as these not only show the kind of steps that unions were prepared to take to reduce expenditure on vagrants, but also highlight how authority figures across a range of institutions were beginning to co-ordinate their efforts to control the behaviour of the poorer sections of the labouring population.

Vagrants continued to pose problems for the authorities in Kent throughout the remainder of the period covered by this thesis and it is apparent that authority figures were quick to deal with any individuals who disrupted the smooth running of an institution or threatened the order of society.²²⁸

²²⁴ Regulations in Poor Law Unions in England as to Reception and Relief of Casual Poor in Workhouses, p. 20. [Microfilm number: 70.423; Session 1864; PP.]

²²⁵ Caroline Conley suggests that the relaxation of the settlement laws in 1865, was partly responsible for this change in attitude. She notes that once paupers were no longer required to establish a 'parish of residence', the authorities grew more concerned about the transient poor, not only because they were seen as a drain on resources, but because they were also blamed for outbreaks of criminality. See: Conley, The Unwritten Law, p. 151.

²²⁶ The scheme originated in Berkshire in 1871. For more on this see: Vorspan, 'Vagrancy and the New Poor Law', p. 70.

²²⁷ Conley, The Unwritten Law, p. 151.

²²⁸ At least 288 vagrants passed through the Medway Union in the first six months of 1884. The counts, however, only apply to transients who were present in the workhouse on the night of the first Wednesday of each month. Again, this record draws attention to some of the flaws that were

Magistrates for example, sentenced Richard Long, a sixty nine year old vagrant, to fourteen days hard labour in Maidstone prison, for deserting the workhouse in February 1884.²²⁹ At the same sessions, John Robert Rook was sent to prison for vagrancy and behaving in a disorderly manner.²³⁰ Similarly, John Smith, a 46 year old labourer, was imprisoned for fourteen days on the 1st January 1884. He was described in the north Kent committal registers as a vagrant and 'disorderly pauper'.²³¹ Another man John Orren, was sent to prison for the same offence a few months later.²³² It is unclear from the records exactly what offences the men were said to have committed. This is partly an administrative problem, since committal registers by their very nature provide only the briefest details about offender's criminal background.²³³ What is apparent, however, is that even individuals with a trade could be reduced to pauperism. For example, by profession, Orren was a shipwright. What started his descent into poverty is unknown. However, it is possible that at the age of forty seven he was finding it difficult to secure meaningful employment in the dockyards.²³⁴ It is

inherent in poor law reports even at this late stage in the century, namely that they only provided a partial view of the problem they were reporting on. This particular document for instance, gives no indication of the number of vagrants who entered the workhouse in the days and weeks after the report was produced. Return of Vagrants Relieved in England and Wales January-June 1884-85, p. 9. [Microfilm number: 91.538; Session 1884-5; PP.]

²²⁹ North Kent Register of Committals from Maidstone Prison 1883-1884. [PC.]

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ The authorities started to archive more detailed information about offenders after the passing of the Habitual Criminals Act 1868. Often these files would include photographs of individual convicts. Records that might provide a more complete explanation of the crimes committed by the men discussed, however, no longer exist. For more on the Habitual Criminals Act see: Bill, Intituled, Act for Effective Prevention of Crime as Amended in Committee. [Microfilm number: 75.14; Session 1868-9; PP.]

<http://www.berksfhs.org.uk/journal/Dec1999/dec1999ReadingGaolPhotographs.htm>.

²³⁴ North Kent Register of Committals from Maidstone Prison 1883-1884. [PC.]

also clear that even with a profession behind him, the authorities had the upper hand when his behaviour transgressed acceptable boundaries.²³⁵

It is also apparent that the laws on vagrancy that were used against Rook and Orren covered a multitude of sins. For instance, the same piece of legislation that was invoked against vagrants was also used against prostitutes. Under the terms of the 1824 Vagrancy Act, prostitutes were arrested for “riotous or indecent” behaviour rather than for soliciting.²³⁶ The committal registers for north Kent show that this was still the case in the 1880s. Two Chatham prostitutes, Margaret Augusta Harris and Emily Darling were imprisoned on the 28th January 1884 for vagrancy and disorderly behaviour. Both were described as prostitutes. Three days later, Ann Baldwin was sentenced to one month with hard labour in Maidstone prison for the same offence.²³⁷ The final part of this chapter will look at how legislation was used to control prostitution in the Medway towns. In doing so, it will build on the work that was started in the last chapter. Moreover, it will further illustrate the range of powers that the authorities in the region had at their disposal to control behaviour that they deemed unacceptable.

As the last chapter showed, prostitution had been a problem for the authorities in the region long before Harris, Darling and Baldwin were arrested. In 1829, justices of the peace prepared a draft decree to advertise the fact that they intended to reverse the ‘great increase of open vice and immorality in the town of Chatham’.²³⁸ The decree makes it clear that the justices believed alehouse keepers were largely to blame for the town’s problem with prostitution. They were, for example, accused of entertaining a ‘great number of women of ill fame and their associates’ on the

²³⁵ It will be remembered from earlier in this chapter that the authorities in Oxfordshire displayed a similar intolerance towards refractory paupers. For more on this see: The Register of the Court of Summary Jurisdiction sitting at the Bicester Magistrates Court. [PC.]

²³⁶ Engel, “Immoral Intentions”, 80-2.

²³⁷ North Kent Register of Committals from Maidstone Prison 1883-1884. [PC.]

²³⁸ Chatham Magistrates’ Draft Decree on Prostitution 1829. [Document number: PS/NA/72/6; Medway and Local Studies Centre, Strood, Kent.]

premises.²³⁹ In their statement of intent, the justices warned that such offenders would be 'proceeded against according to the directions of the Statute'.²⁴⁰ A letter that was published in The Morning Chronicle, more than a decade later suggests that their efforts were not wholly successful. It noted that 'the county magistrates considered it a hopeless task entirely to stop this evil in a place where thousands of soldiers and sailors are congregated'.²⁴¹

The problem of prostitution, however, was not confined to Chatham. During the 1850s, a commission was established to address concerns that the government had about the health of the army. This investigation was instituted because parliamentarians were growing increasingly concerned that high levels of infections among service personnel compromised the effectiveness of the armed forces, at a time when the country was on a war footing in the Crimea.²⁴² During the course of its investigations, the Commission found that there were high levels of venereal diseases among military and naval personnel stationed in garrison and dockyard towns. Although its report made no direct recommendations, it was conducive to the government introducing greater regulation, in the hope that it might improve the situation.²⁴³ In 1864, Chatham was placed on the list of towns that were covered by the Contagious Diseases Acts. The Acts allowed the compulsory inspection and detention of women who were suspected of soliciting in designated districts that were populated by soldiers and sailors.²⁴⁴

The first act was introduced in 1864. It allowed the police to gather intelligence from infected men and known associates of prostitutes. Women who were suspected of prostitution were then persuaded to undergo voluntary periodic examinations for a year. If they refused, magistrates

²³⁹ Ibid.

²⁴⁰ Ibid.

²⁴¹ The Morning Chronicle, (April 13, 1843).

²⁴² Judith R. Walkowitz, Prostitution and Victorian Society Women, Class and the State (Cambridge: Cambridge University Press, 1999), p. 74.

²⁴³ Ibid.

²⁴⁴ Ibid, 75-8. Also see: Joyce, The Chatham Scandal, 58-9.

were empowered to order a compulsory inspection at a “lock hospital”. If the woman was found to be diseased she could be detained in the hospital for up to three months. Women who refused to allow the inspection could be imprisoned for a month.²⁴⁵ It is clear that the burden of proof rested very much with the women and on occasions this meant that the law was applied in an arbitrary fashion.²⁴⁶ This situation was further complicated, because Chatham did not have its own lock hospital. Instead, the authorities relied on the services of the small lock wing of St. Bart’s Hospital at Rochester.

Three key amendments were made to the Act in 1866. The first, removed the need for a magistrate to order the detention of diseased women. Instead, any woman could be held if a surgeon certified that she was infected. The period of compulsory detention was also increased to a maximum of six months.²⁴⁷ Finally, the Act extended the powers of the police over a much larger group of women. Under its revised terms, females who were merely suspected of ‘promiscuous behaviour’ could also be compelled to submit to periodic inspections.²⁴⁸

At no time was there a permanent concentration of military or naval personnel in north Oxfordshire. As a result, the Contagious Diseases Acts had no jurisdiction in the region.²⁴⁹ Consequently, the authorities did not monitor the levels of prostitution in the same way as they did in the Medway towns. Moreover, as the last chapter showed, the closer community ties that existed in agrarian districts allowed rural communities to impose strict sanctions on women who worked as

²⁴⁵ Joyce, The Chatham Scandal, p. 59.

²⁴⁶ Judith and Daniel Walkowitz note that women in working-class districts of Plymouth and Southampton frequently protested against the Contagious Diseases Acts. Judith R. Walkowitz and Daniel J. Walkowitz, “‘We Are Not Beasts of the Field’: Prostitution and the Poor in Plymouth and Southampton under the Contagious Diseases Acts’, Feminist Studies, Vol. 1, No. 3 (1973), p. 75 and Joyce, The Chatham Scandal, p. 59.

²⁴⁷ *Ibid*, p. 60.

²⁴⁸ Walkowitz and Walkowitz, ‘“We Are Not Beasts of the Field”’, p. 75.

²⁴⁹ Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881. [Document number: 88.439-40; Session 1882; PP.]

prostitutes.²⁵⁰ There can be little doubt that these circumstances helped to disguise the true extent of prostitution in the region. This of course makes it difficult to say how many women engaged in the trade. However, it is still clear that prostitutes posed some problems for the authorities in rural districts like the Ploughley Hundred. Newspaper reports for instance, suggest that prostitutes were active in small market towns like Bicester.²⁵¹ However, because regulatory controls like the Contagious Diseases Acts were not in force in the area, the authorities had to rely on vagrancy laws to deal with women who openly solicited for sex.²⁵²

Information that is available for the areas that were covered by the Contagious Diseases Acts, however, suggests that mistakes were almost inevitable. One case that captured the public's attention involved a young woman who was detained in Chatham's lock hospital.²⁵³ Eighteen year-old Caroline Wybrow lived with her widowed mother at Seaton's-court, in the Brook area of the town.²⁵⁴ In February 1875, a constable visited her at home and instructed her to go the lock hospital for an inspection. He claimed that she had been seen in the company of soldiers and prostitutes and

²⁵⁰ Walkowitz, Prostitution and Victorian Society, p. 22.

²⁵¹ See for instance: Jackson's Oxford Journal (July 17, 1858) and (October 24, 1874).

²⁵² Engel, "Immoral Intentions", 80-1.

²⁵³ Brian Joyce provides a detailed narrative of the case in his study of prostitution in the Medway towns. Joyce, The Chatham Scandal, 113-20. The testimonies of the central characters involved in the Wybrow case can also be found in a report published by a select committee that examined the operation of the Contagious Diseases Acts. Report from the Select Committee on Contagious Diseases Acts Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Appendix, 52-3 and 556-69. [Microfilm number: 88.53-61; Session 1882; PP.]

²⁵⁴ The Wybrow family appear to have shared many characteristics with makeshift households. The mother, Rachel, earned her living from making toys, needlework and nursing. Her daughter was a field-worker and cleaner. They were described as 'very poor people' who lived 'in a very poor vicinity'. Their circumstances were such that they regularly received a dole of 1s. a week and quantities of bread from the poor law authorities. A prostitute lived in the room below their garret. Caroline sometimes earned 'a few coppers' cleaning the woman's room. For more on this see: Ibid and 556-8. For more on makeshift households see: Steven King, Poverty and Welfare in England, 170-6.

indicated that she would be sent to Maidstone Gaol if she refused.²⁵⁵ The constable returned a few days later and again directed Caroline to visit the lock hospital. Under some duress she eventually agreed. At the hospital she was encouraged to sign a form consenting to an inspection.²⁵⁶ A week later she was admitted to the lock hospital, but refused to be examined. In response, the authorities restricted her diet to cold tea and bread and water.²⁵⁷

After being held for more than a week, Caroline was eventually discharged from the hospital after the medical staff confirmed that she was disease free.²⁵⁸ Within the year, Caroline's cause had been taken up by the *National Association for the Repeal of the Contagious Diseases Acts*, who petitioned the Secretary of State on her behalf.²⁵⁹ There can be little doubt from the correspondence that passed between the Association and various parliamentarians, that the repeal movement made much political capital out of Caroline's situation.²⁶⁰ This, however, is not surprising since the

²⁵⁵ It is difficult to verify this point, since Caroline's version of events was supported wholeheartedly by the National Association for the Repeal of the Contagious Diseases and refuted by members of the constabulary. For more on this see the various statements of those who were involved in the parliamentary investigation into the case. Report from the Select Committee on Contagious Diseases Acts Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Appendix, 556-8. [Microfilm number: 88.53-61; Session 1882; PP.]

²⁵⁶ Caroline claimed that she signed the form without understanding that she had consented to an inspection. She revealed that she had her period. This was confirmed by a nurse and Caroline was then instructed to attend the lock hospital the following week. For more on this see: Ibid, p. 558.

²⁵⁷ In his evidence to the parliament enquiry, the principal medical officer of the Lock Hospital and visiting surgeon for Chatham stated that Caroline was placed on the punishment diet on account of 'her unruly and defiant conduct'. For more on this see: Ibid, p. 565.

²⁵⁸ In her statement Caroline made it clear that she only agreed to the inspection because she saw it as the only way of clearing her character and gaining her liberty. For more on this see: Ibid, 558-9.

²⁵⁹ Ibid, p. 556.

²⁶⁰ See for instance, the Association's observations regarding reports made by the medical staff and police involved in the case. For more on this see: Ibid, 562-3.

Association was fervently opposed to how the Contagious Diseases Acts were used against women.²⁶¹

It has to be said that the authorities at Chatham put up a robust defence and contradicted many of the claims put forward by the Association.²⁶² This of course was to be expected, since they had a vested interest in the outcome of the case. In spite of this, the fact still remains that they had failed to ensure that all legal procedures were followed correctly and in doing so, they had stepped beyond the spirit and boundaries of the law.²⁶³ Caroline for instance, alleged that the constable who visited her at home had threatened that she would be imprisoned if she did not submit to an

²⁶¹ The National Association for the Repeal of the Contagious Diseases was formed in the north of England in 1869, but relocated to the capital a year later. Judith Walkowitz notes that 'as a London-based society [it] was expected to be the parliamentary and legal arm of the repeal movement, generally responsible for lobbying efforts and electoral activities'. See: Walkowitz, Prostitution and Victorian Society, p. 92.

²⁶² See for instance, evidence submitted to the committee by Mr. Weld the assistant visiting surgeon to the Chatham Lock Hospital and the institution's Lady Superintendent, Miss Webb. Report from the Select Committee on Contagious Diseases Acts Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Appendix, 565-7. [Microfilm number: 88.53-61; Session 1882; PP.]

²⁶³ A similar point was made by Mr. Ralph Thompson of the War Office. In summing up the case he observed that the authorities at Chatham had exceeded their powers on two counts. Firstly, that the suspicion that Caroline was a prostitute was not sufficient grounds for her to have been made to undergo an inspection. Secondly, that the medical officer did not have the authority to place her on a punishment diet. These oversights were all the more remarkable because Caroline was three years below the age of majority. The authorities therefore had an extra responsibility to ensure that procedures were followed correctly. For more on the responsibilities of parents and guardians see; Parent and Child: Cassells Household Guide, New and Revised Edition (4 Vol.). Cited from <http://www.victorianlondon.org/> For the details of Mr. Ralph Thomson's findings see: Report from the Select Committee on Contagious Diseases Acts Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Appendix, p. 568. [Microfilm number: 88.53-61; Session 1882; PP.]

inspection. She had also been detained against her will in the lock hospital, on the pretence that she had associated with prostitutes.²⁶⁴

The police, for their part denigrated Caroline's moral character. They suggested that she had been under observation for some time and had at the very least, been extremely naïve about the company that she kept.²⁶⁵ It is certainly true that her companions were drawn from the lower orders of society. However, this does not seem so unusual when it is remembered that the Wybrows lived in one of the poorer quarters of the town, in close proximity to the barracks and in an area where prostitution was rife.²⁶⁶ It is also clear that Caroline's experience with the authorities was not unusual. Mr. Frederick Wheeler, one of the witnesses involved in the parliamentary inquiry into Caroline's detention alleged that "Hundreds of terrified girls had signed the Voluntary Submission".²⁶⁷

Similarly, it is clear that women were routinely punished if they resisted the discipline of the wards. Four female inmates were charged with breaking windows and damaging property at the Chatham's lock hospital, just six weeks after the institution opened in 1870.²⁶⁸ Mr. Supt. Strength, of the Metropolitan Police Force in his evidence to the Deputy Stipendiary Magistrate, W.H.B. Rosher, Esq., stated that the 1870 disturbance had occurred because 'one or two of the prisoners were dissatisfied with the treatment they received'.²⁶⁹ He did not specify what it was that the

²⁶⁴ Ibid, 558-9.

²⁶⁵ Ibid, 560-1.

²⁶⁶ Ibid, 52-3. For a description of the Brook, also see Joyce, *The Chatham Scandal*, p. 8.

²⁶⁷ Wheeler was a local man, residing in Rochester. He was a prominent Quaker and anti-state regulation campaigner. Biographical details extracted from: Ibid, p. 48 and 99. Quotation cited from: *The Shield*, (September 16, 1882), p. 182.

²⁶⁸ Harriet Beasley, Rhoda Cooper, Elizabeth Cripps and Elizabeth Taylor were charged with 'damaging 26 panes of glass, and other property of the War Department, at Chatham, on the 23rd inst'. *The Shield*, (May 09, 1870).

²⁶⁹ The Stipendiary Magistrates Act, 1863, altered the composition of the magistrates' bench in urban areas where the population exceeded 25,000. For the first time, magistrates with formal legal

women had found so offensive, however, he assured the magistrates that there were no grounds for their discontent. Rosher, in turn, observed that the matter was serious and noted that the offence was not new in that locality.²⁷⁰

To put these episodes in context with the investigation being carried out here: it is apparent that by the 1870s, officials across a range of institutions exercised considerable power over the labouring population and were prepared to work together to control unlawful behaviour or conduct that challenged their authority. It would be wrong, however, to suggest that the poor were always passive bystanders in this equation. Some individuals certainly went to great lengths to protect their reputation or resisted action that threatened their livelihoods, even when there was a chance that they would be prosecuted. Walkowitz suggests that occurrences like those described above were

training were paid a salary. The change in the law marked a shift towards the professionalisation of summary justice in some areas. No such provision was made for smaller urban conurbations or rural districts. As a consequence, magistrates across north Oxfordshire continued to be drawn from the landed classes with local connections. Edward Withington for example, served on the bench of Bicester's magistrates' court during the early 1880s. The 1881 census shows that Withington was a 44 year old clergyman who lived in the village of Frincford, a few miles to the north of Bicester. Details for the disturbance at Chatham see: The Shield, (May 09, 1870). For more on stipendiary magistrates see: R.M. Jackson, 'Stipendiary Magistrates and Lay Justices', The Modern Law Review, Vol. 9, No. 1 (1946), p. 2. Also see: Lubenow, 'Social Recruitment and Social Attitudes', 247-68. For more on Withington see: 1881 Census of England and Wales. [Document number: Class RG11; Piece 1507; Folio: 108; Page: 32; Line: GSU roll: 1341364] and Register of the Court of Summary Jurisdiction sitting at the Magistrates Chamber, Bicester 1883. [PC.] For population figures for Chatham see: William Page (ed.), The Victoria History Of the Counties of England: A History of Kent Volume III, (London: St, Catherine Press, 1932), p. 360. For population figures for Bicester see: Census of England and Wales. Preliminary Report and Tables of Population and Houses Enumerated in England and Wales, and Islands in British Seas, p. 20. [Microfilm number 77.541-3; Session 1871; PP.]

²⁷⁰ This point was supported by an article that was published by The National Association for the Repeal of the Contagious Diseases. The organisation blamed the Contagious Diseases Acts for the rise in such incidents and noted 'Till very recently they have been hushed up'. See: The Shield, (May 9, 1870).

widely reported in The Shield before 1871.²⁷¹ She argues that the repeal movement used them to muster support against the Contagious Diseases Acts. However, she notes that articles of this sort were published less frequently in The Shield, as the momentum behind public campaigns declined.²⁷² Nonetheless, reports of disturbances at lock hospitals still surfaced from time to time in provincial newspapers throughout the 1870s.²⁷³ This suggests that at the very least, the prostitute population continued to oppose how the Acts were administered. The four Chatham women all pleaded guilty.²⁷⁴ In summing up, W.H.B. Rosher, Esq., suggested that the matron would have resolved any complaints that they had. In passing sentence he noted that 'persons of their class...must be taught that they must not conduct themselves in this way'.²⁷⁵ In order to reinforce this notion he sentenced the women to two months in Maidstone's House of Correction.²⁷⁶

It is evident from the above, that Rosher wanted to send out a stern message to any who might be inclined to follow in the footsteps of the women who caused the disturbance at the Chatham lock hospital. Yet, while it is true that the women were punished for their violent conduct, it is also apparent that the sentences that these women received were typical of the sort of treatment that was meted out to prostitutes by the judiciary for much of the nineteenth century.²⁷⁷ Emily

²⁷¹ The Shield, was the mouthpiece of The National Association for the Repeal of the Contagious Diseases.

²⁷² Walkowitz, Prostitution and Victorian Society, p. 109.

²⁷³ Three women for example, appeared before magistrates at Portsmouth in 1877, 'charged with breaking sixty-nine panes of glass at the Lock Hospital at Landport'. The Hampshire and Sussex Chronicle etc., (June 13, 1877).

²⁷⁴ The Shield, (May 09, 1870).

²⁷⁵ Ibid.

²⁷⁶ Ibid.

²⁷⁷ Typically, women who were accused of prostitution served anything from a week to a month in prison with hard labour during the 1840s. For example, Angelina Davis was imprisoned for seven days for behaving 'in an indecent manner' on the 9 July 1844. On the same day, Sarah Ann Henley was sent to Maidstone's House of Correction for fourteen days for a similar offence. In contrast, Mary Miltone was imprisoned for one calendar month on the fifteenth of July 1844, for 'behaving

Brookes for example, was imprisoned for three months with hard labour in Maidstone Gaol, on the 3rd May 1883, for being a 'riotous prostitute'.²⁷⁸ Another female called Jane Moon, was sent to prison on three separate occasions for the same offence, between May and October 1883.²⁷⁹ Yet there are also signs that magistrates were beginning to recognise that non-custodial sentences might be used to punish petty offenders like prostitutes. Jane Moon for example, was imprisoned for a fourth time in December 1883. This sentence, however, was only imposed after she defaulted on a fine for riotous behaviour.²⁸⁰ Similarly, Emily Blake, a 'riotous prostitute', was fined 5s. with 6s. costs, on the 4th June 1883 and another woman, Emma Kemp received a similar sentence, just three weeks later for the same offence.²⁸¹

It is possible that the lighter sentences reflect the views of a more professionally minded, liberal elite, who were sympathetic to the plight of women.²⁸² However, Lucia Zedner has suggested that this was not the only reason why magistrates were increasingly unwilling to impose prison sentences on women. She has noted that:

many of the worst female recidivists were not dangerous criminals so much as petty offenders, social inadequates, and outcasts incapable of surviving in outside society. Repeatedly sentenced to short terms of a few days or so for petty theft and public-order offences, drunken and mentally deficient women were a serious source of

in an indecent manner'. For more on this see: Committal Registers. [PS/md Sc1; Kent County Archives, Maidstone, Kent.]

²⁷⁸ Registers of Court of Summary Jurisdiction 1883-1885. [Document number: PS/NA/24; Medway Archives and Local Studies Centre, Strood, Kent.]

²⁷⁹ On the 17th May, Moon was sent to Maidstone Gaol for a month with hard labour for being a riotous prostitute. On the 9th July, just a month or so after her release, she was imprisoned again. On this occasion, she was sentenced to two calendar months with hard labour. For more on this see: *Ibid.*

²⁸⁰ *Ibid.*

²⁸¹ *Ibid.*

²⁸² Radzinowicz and Hood, 'Judicial Discretion', p. 1306.

disruption to the prison regime. To commit them to prison time and again was clearly both inappropriate and unproductive.²⁸³

Zedner's remarks clearly suggest that by the 1880s, the authorities appreciated that for women like Blake, Kemp and Moon, prison should be regarded as a place of last resort. Again, the evidence suggests that this was also the case with Oxfordshire. For example, Engel has noted that the authorities in Oxford increasingly used non-custodial sentences to punish prostitutes, once they realised that the threat of imprisonment served no purpose and did not prevent prostitution.²⁸⁴

It is clear from the above, that by the end of the period covered by this thesis, the authorities in Kent and Oxfordshire were using a range of punishments to punish petty offenders. This suggests several things. Firstly, that more enlightened magistrates accepted that the personal circumstances of offenders often had a bearing on the crimes that they committed. Moreover, that prison did not necessarily deter these individuals from re-offending. In fact, it seems likely that in some cases, practical considerations outweighed any benefits that might be achieved by imprisoning these individuals. For example, it is clear that on occasions the judiciary fined petty offenders because the alternative would have meant that their dependents would require assistance from the union.²⁸⁵

Yet it is also apparent that for such a shift in thinking to occur, the authorities needed to be certain that displays of 'benevolence' would not be wrongly interpreted by the labouring population and lead to a breakdown in public order. In other words, the authorities needed to be fairly

²⁸³ Lucia Zedner, 'Wayward Sisters' in Morris and Rothman (eds.), The Oxford History of The Prison, p. 319.

²⁸⁴ Engel, "Immoral Intentions", p. 83.

²⁸⁵ Return of Number of Women and Children Chargeable to Poor Law in England and Wales, 1856, in Consequence of Persons by Whom Maintained Being Confined in Gaol for Offences Against Game Laws. [Microfilm number: 63.444; Session 1857-8; PP.]

confident that they could deal with outbreaks of criminality, if the need arose. New legislation had certainly helped in this respect. Officials in Kent and Oxfordshire, no doubt found it easier to track the movement of recidivists after the Habitual Criminals Act was introduced in 1868.²⁸⁶ The appointment of a permanent magistrate at Chatham probably also did no harm.²⁸⁷ It seems likely, however, that another significant milestone in the administration of justice in the region was achieved with the passing of the Borough Police Act 1856.²⁸⁸

Before this piece of legislation was introduced, Kent's authorities rejected all plans to institute a regular police force across the whole of the county. Instead, an irregular patchwork of watch committees and parish constables policed the county's towns and villages. In part this was because magistrates like Sir Edward Knatchbull were unwilling to concede power to the government, believing that it would undermine their local authority.²⁸⁹ Others, like Sir William Cosway, voiced concerns about how much it would cost to establish such a force and expressed doubts about whether in all events it would be very effective.²⁹⁰ Paul Hastings suggests that such uneven police coverage aided criminal activity in the Medway basin.²⁹¹

²⁸⁶ A note held with the Ploughley Hundred's petty session records show that the authorities kept an account of activities of repeat offenders. Anthony Hall for example, was prosecuted on eight separate occasions between 11th March 1881 and 30th September 1882. For more on this see: Bill, intituled, Act for Effective Prevention of Crime as Amended in Committee. [Microfilm number: 75.14; Session 1868-9; PP] and Bicester Register of Court Summary Jurisdiction. Also see: <http://www.berksfhs.org.uk/journal/Dec1999/dec1999ReadingGaolPhotographs.htm>.

²⁸⁷ Jackson, 'Stipendiary Magistrates and Lay Justices', *passim*.

²⁸⁸ Hart, 'Reform of the Borough Police', 411-27.

²⁸⁹ Edwin Chadwick, the secretary of the Poor Law Commission for example, was in favour of establishing a nationally organised full-time force of uniformed officers. See: Hastings, *Crime and Public Order*, in Lansberry (ed) Government and Politics, 239-40.

²⁹⁰ See for example, Sir William Cosway's submission to a House of Lords select committee on how the county rates were spent. Select Committee of House of Lords on Charges of County Rates in England and Wales, Minutes of Evidence, Appendix, Index. [Microfilm number: 38.106-10; Session 1835; PP.]

This concern was certainly shared by some of Chatham's more respectable inhabitants, who banded together to tackle the town's problem with prostitution in the 1840s. Using tactics that might now be construed as entrapment they paid 'discharged London police officers', twenty five shillings to frequent public houses and to associate with prostitutes.²⁹² The 'spies' spent:

their nights in public-houses, listening to and joining in the most obscene discourse; witnessing the most disgusting acts, toying with the wretched women, deluding them with false pretences, supplying them with liquor...and stealing into private rooms, to witness acts of which the most degraded have decency sufficient to be ashamed.²⁹³

It is perhaps not surprising that this scheme failed to meet its objective and prostitutes continued to populate the town in large numbers.²⁹⁴ Again, this raises questions about whether the lower ranks of society would have continued to rely on unlawful activities to support their households, if the system of policing in the Medway basin had not been so weak. What is certainly clear, however, is that initially, the County and Borough Police Act did little to alleviate such problems. During its formative years, the Kent constabulary experienced considerable difficulties with poor discipline and low morale. Almost inevitably, this led to a high turnover of personnel. Constables were also expected to police extremely large territories.²⁹⁵ This situation was exacerbated as the population in

²⁹¹ Hastings, 'Crime and Public Order', in Lansberry (ed.), Government and Politics, p. 238.

²⁹² The article's author suggests that principal members of this society were clergymen. For more on this see: The Morning Chronicle, (April 13, 1843).

²⁹³ Ibid.

²⁹⁴ Joyce, The Chatham Scandal, p. 129.

²⁹⁵ Paul Hastings notes that in 1868, the ratio of constables to population was 1:384 and that each constable was responsible for policing over 3,000 acres. In contrast, judicial returns show that at a national level, the ratio of constabulary to head of population was somewhat lower at 1: 838. For

the Medway basin increased and the authorities at Chatham, Gillingham and Strood blocked attempts to fund any expansion of the force.²⁹⁶ Government returns give no indication of how large Chatham's constabulary was during the 1850s and 1860s.²⁹⁷ However, Brian Joyce has suggested that the town was severely under policed for much of the nineteenth century.²⁹⁸ It is also apparent that the authorities at Chatham were slow to upgrade their police facilities and it seems reasonable to suggest that this would have had a detrimental effect on the force's operational effectiveness. For instance, the old lockup remained in use until a new station was erected in 1864.²⁹⁹

In this respect, the authorities in Oxfordshire were somewhat quicker off the mark. They managed to build a new station house at Bicester within three years of the passing of the County

more on this see: Hastings, 'Crime and Public Order', in Lansberry (ed.), Government and Politics, p. 243 and Return of Judicial Statistics of England and Wales, 1869, p. vi. [Microfilm number: 76.604-606; Session 1870; PP.]

²⁹⁶ Hastings, 'Crime and Public Order', in Lansberry (ed.), Government and Politics, 243-4.

²⁹⁷ As late as 1869, constabulary reports only provided details about the police at county and borough level. Even so, it is apparent that police numbers could vary considerably between different localities. For instance, Rochester, the closest borough to Chatham, had 32 officers or 1:527 per head of population. This amounted to one officer per eighty four acres of the city. In contrast, the county town of Maidstone had just one officer per thousand head of population. Broken down further, this amounted to just one officer per every 184 acres. Brian Joyce has argued that because Chatham did not have its own police force or borough council, the Chief Constable of Kent allocated officers according to population numbers and rateable values. In 1881, nine officers were expected to police an area of more than 4300 acres with a population of 26, 525 inhabitants. In ratio terms this amounted to 1 constable per 2,947 head of population. Joyce, The Chatham Scandal, p. 9 and Page (ed.), The Victoria History Of the Counties of England, p. 360. Details for Rochester and Maidstone extracted from: Reports of Inspectors of Constabulary to Secretary of State, 1867-68, 142-4. [Microfilm number: 75.253-5; Session 1868-9; PP.]

²⁹⁸ Joyce, The Chatham Scandal, p. 67.

²⁹⁹ This was described as 'First Class'. It served as the divisional headquarters and accommodation for the Superintendent and the lock-up keeper. It also had stables and sleeping room for single officers. Some of the 'First Class' stations also had Petty Session Courtrooms. For more on this see Ingleton, Policing Kent, p. 36.

and Borough Police Act 1856.³⁰⁰ How they managed to raise the funds for this venture is unclear, but there can be little doubt that the building would have raised the profile of the constabulary in the town and perhaps improved its administration. Yet, such a measure was counterbalanced by the fact that police numbers in the Ploughley Hundred did not increase significantly.³⁰¹

In contrast, it is apparent that the legislative reforms that were introduced during the second half of the nineteenth century enabled the authorities in the Medway basin to exert more control over the labouring poor in the region. The County and Borough Police Act for example, provided the framework for Kent's first full-time professional police force. The men who were selected for the constabulary were chosen for their physical fitness and local knowledge.³⁰² Police numbers in the Chatham area also increased significantly after the introduction of the Contagious Diseases Acts and there can be little doubt that their presence encouraged some sections of the criminal community to alter their behaviour.³⁰³

Evidence of this can be seen in a number of ways. Firstly, that between 1871 and 1881, there was a drastic reduction in the number of inn-keepers and lodging house owners who were prepared to harbour prostitutes on their premises, after the authorities started to place their businesses under close surveillance.³⁰⁴ Prostitutes were also more wary of being arrested and began

³⁰⁰ Reports of Inspectors of Constabulary to Secretary of State, 1858-59, p. 30. [Microfilm number: 66.452-4; Session: 1860; PP.]

³⁰¹ *Ibid*, p. 29.

³⁰² Hastings, 'Crime and Public Order', in Lansberry (ed.), Government and Politics, p. 241.

³⁰³ The Metropolitan Police returns indicate that around 113 officers were sent to Chatham. For more on this see: Return of Number of Metropolitan Police Force Employed in each Division, 1855-1866, p. 2. [Microfilm number 73.495; Session 1867; PP] and Joyce, The Chatham Scandal, p. 67.

³⁰⁴ Evidence to this effect can be seen from a report which was published in 1882. The report named particular beerhouses and public houses which were used as brothels and detailed the kind of action that was taken against them. Return of Number of Public Houses and Beerhouses Used as

to entertain clients in greater numbers in their own dwellings, rather than solicit for business on the streets.³⁰⁵ It is also clear that the authorities were only able to deal with behaviour that transgressed acceptable boundaries once the fledging police force found its feet. In 1866, the poor law inspector, Sir J. Walsham, noted:

In the Kent unions, a rural constabulary is of comparatively recent date, and the conviction of its utility in dealing with vagrants has not yet made much apparent progress.³⁰⁶

There was, however a sharp turnaround over the next decade or so, as the force increased its operational effectiveness. Between 1870 and 1881 for instance, arrests for vagrancy as a percentage of all crimes recorded, rose from around twelve to nearly twenty percent.³⁰⁷ In contrast, summary offences relating to vagrancy fell from a high of about nine percent, to around three percent of all committals that were dealt with summarily in Oxfordshire over the same period.³⁰⁸ This difference either suggests that the authorities in the region acted more swiftly to cull vagrancy numbers than their counterparts in Kent, or that the socio-economic climate in Oxfordshire deteriorated to such an extent, that the county was less appealing to the transient poor. Wherever the truth in these

Brothels or Houses for Immoral Purposes in Districts Subjected to Contagious Diseases Acts 1865-1881. [Microfilm number: 88.440: Session 1882; PP.]

³⁰⁵ Walkowitz, Prostitution and Victorian Society, 24-5.

³⁰⁶ Reports on Vagrancy to President of Poor Law Board by Poor Law Inspectors, p. 31. [Microfilm number: 72.277-9; Session 1866; PP.]

³⁰⁷ Conley, The Unwritten Law, p. 151.

³⁰⁸ Return of Judicial Statistics of England and Wales, 1870, p. 29. [Microfilm number: 77.590-2; Session 1872; PP] and Return of Judicial Statistics of England and Wales, 1881, p. 29. [Microfilm number: 88.624-6; Session 1882; PP.]

arguments lie, there can be little doubt that the days when prostitutes, tramps and other undesirables did not face sanctions from the authorities were coming to an end.

Conclusions

To conclude, this chapter set out to address three fundamental research questions. First, did the administration of the courts, police and public institutions like prisons and workhouses present an effective deterrent against undesirable modes of behaviour? Second, how did the situation alter over time as new legislation was introduced? Third, was there evidence to suggest that poverty was the main contributory factor behind offences like prostitution, vagrancy and poaching, or was it the case that the poor merely exploited structural weaknesses in judicial and poor law institutions, to improve the standing of their makeshift economies? To deal with each of these in turn: The first part of this study showed how the spread of summary justice allowed petty offenders to be dealt with more quickly. However, prosecutions at this time were largely private affairs and there can be little doubt that this helped to distort crime statistics. Landowners, with sizeable estates for example, considered it their duty to prosecute poachers. As a result, this particular offence occupied a considerable amount of court time in Kent and Oxfordshire during the first half of the nineteenth century. Smaller landowners, however, appear to have accepted the loss of livestock, rather than risk becoming embroiled in disputes with their neighbours, especially if there was little chance that they would recover their costs.

Offences like poaching were regarded as capital crimes before reforms were introduced in the 1830s. After this date, transportation and custodial sentences started to be seen as viable alternatives to the gallows. There was, however, great disparity in the length and terms of sentences that offenders received. This indicates that the personal views of justices often informed the decisions that they made in court. Moreover, it is apparent that Magistrates in Kent and Oxfordshire were not above imposing custodial sentences on the most vulnerable members of the

pauper community, even when there was evidence to suggest that their crimes resulted from hardship. The speed with which offenders like vagrants and prostitutes were processed by the courts also suggests that there was a fair amount of co-operation between the different bodies that were involved in prosecutions.

This situation, however, was not unique to the criminal justice system. Administrators across a range of institutions were clearly prepared to cooperate with each other when it was to their mutual benefit. Workhouse officials in Kent and Oxfordshire for instance, shared information on labour regimes in the 1850s. In the 1870s, poor law unions in Kent introduced 'Wayfarer' and ticketing schemes in an attempt to reduce vagrancy. The Contagious Diseases Acts also increased the sphere of influence that the authorities had over working class women in the poorer districts of Chatham. The frequency with which disturbances occurred in workhouses and lock hospitals, however, raises concerns about the kind of internal mechanisms that were in place in institutions that were supposed to look after the welfare of the poorer sections of society. The regimes that they used were, by any standards, extremely severe and it is clear that officials in charge of institutions capitalised on the power that they had over inmates. Dietary restrictions and refractory cells were used to punish those who flouted the rules. Vagrants were treated particularly harshly. They were quartered in poorly maintained accommodation and were expected to perform arduous task-work. Yet it is also clear from the number of disputes that occurred inside lock hospitals and workhouses that the authorities did not exercise absolute control inside these institutions. At the same time, it is also apparent that most disputes were settled quickly, often to the detriment of the offending party. This suggests that for the most part officials inside workhouses and lock hospitals exercised considerable control over the inmates under their charge.

It is possible that those who rebelled inside these institutions simply failed to appreciate how the authorities would respond to their complaints. However, it seems likely that others deliberately antagonised officials, perhaps in the hope that they would be imprisoned. The logic for such behaviour is easy to understand, since prisons in Kent and Oxfordshire were more heavily regulated

than the sort of welfare institutions that have been surveyed here. Yet, design flaws meant that prisoners in the old county gaol at Oxford were exposed to a very different regime than inmates who were confined in the more modern prison at Maidstone. Even so, reforms that were introduced during the second half of the century meant that the authorities in charge of both institutions showed an increasing concern for the wellbeing of prisoners who were under their care. In this sense, penal and welfare institutions developed very different characters during the latter years of the nineteenth century.

In contrast, it is apparent that the authorities struggled to persuade poachers, vagrants and prostitutes to alter their behaviour in their own communities for much of the nineteenth century. In part, this was because the constabulary in both regions presented a weak line of defence against determined criminals. Certainly, they had little to fear from the patchwork of unpaid parish constables and watch committees who policed the county towns and outlying rural districts. The County and Borough Police Act 1856 brought about some change. From the outset, the authorities in Kent tried to ensure that high calibre men with local knowledge were recruited. However, constraints on numbers, disciplinary problems and over large territories undermined the operational effectiveness of the police in both areas.

Nevertheless, it is clear that over time, the authorities in Kent started to appreciate that the performance of the courts and the police could only be improved if they were properly resourced. Stipendiary magistrates with proper legal training were recruited and the police were given more authority to tackle undesirable modes of behaviour. Once these changes were embedded in the culture of the different law enforcement agencies, the authorities had greater freedom to use a range of penalties including non-custodial sentences to punish offenders. Of course, one must question why petty offenders like prostitutes, poachers and vagrants continued to flout the law when the odds were increasingly stacked against them. Therefore, it is suggested here, that poverty sometimes played a part in the equation.

Chapter Eight:

Conclusions

It has been the purpose of this thesis to establish whether there was a link between acts of petty criminality and the makeshift strategies that the labouring poor relied on to support their households. This survey was carried out via an inter-regional study that focused on the Medway basin of Kent and the Ploughley Hundred in north Oxfordshire, between 1830 and 1885. In order to achieve this aim, previous chapters have focused on answering four fundamental research questions. Firstly: can the term *the economy of makeshifts* be used to describe the different mechanisms that the poor in Kent and Oxfordshire used to maintain their households in the nineteenth century? Secondly, how were poor households in the two regions affected by legislative reforms and the sort of industrial growth that occurred between 1830 and 1885? Thirdly, to what extent were the poor prepared to step outside the boundaries of the law, if reforms outlawed practices that they relied on to support their makeshift households? Finally, and building on these earlier questions: how were these criminal strategies shaped by the kind of socio-economic conditions that existed in rural and urban environments during the nineteenth century?

All that remains is for the findings of this study to be drawn together in one place. To this end, this chapter will address each of the research questions in turn and explain what has been learned about the relationship between crime and poverty. To start with the first of these: the historiographical section of this thesis considered whether the term 'the economy of makeshifts' could rightly be used to describe the range of mechanisms that the labouring poor relied on to support their households in Kent and Oxfordshire during the nineteenth century? The epithet was originally coined by Olwen Hufton during the 1970s, to describe the different strategies that French paupers used to supplement their regular earnings during periods of economic hardship. Included in these strategies was seasonal or permanent migration to towns and cities. It was argued, however, that the movement of paupers in England was restricted by the poor laws. Consequently, it was

suggested that in semantic terms the phrase 'the economy of makeshifts' could not be used in the same context as Hufton originally intended. Even so, it is clear from the work of Steven King and Alannah Tomkins that the term can be adapted to suit the unique socio-economic conditions that existed in England during the eighteenth century. On this basis, it was reasonable to suggest that it could also be used to encompass the different strategies that poor households in the Medway basin in Kent and rural districts of north Oxfordshire relied on to supplement their regular earnings.

This thesis considered how poor households in the two regions were affected by legislative reforms and the sort of industrial growth that occurred between 1830 and 1885? To deal with the rural districts north Oxfordshire first: the economy of the Ploughley Hundred remained firmly rooted in the agrarian sector throughout the whole of the period covered by this thesis. As a result, the majority of the labouring population in the county derived their livelihoods from agriculture. Yet, earnings and work availability fluctuated with the seasons. There can be little doubt that this situation contributed to distress among large sections of the labouring poor in the region. Yet, a good many households were able to sustain themselves because they enjoyed access to common land. This access allowed them to raise livestock and grow crops on open lands. These could be used to supplement household diets. Alternatively, they could also be sold for profit in the market place. Many individuals also relied on the Old Poor Law for additional support. The small doles that they received may not have amounted to much in monetary terms. However, they did provide poor households with a safety net when they experienced periods of economic hardship. Legislative reforms that were introduced during the first half of the nineteenth century clearly undermined these support mechanisms. As chapter three showed, the enclosure of Otmoor had a catastrophic effect on the independence of poor households in the region. Because the poor were denied access to common land, they were made more wage-dependent.

This change occurred in the Ploughley Hundred just as national welfare reforms were being introduced. Under the terms of the New Poor Law 1834, able-bodied paupers were no longer entitled to relief outside of the workhouse. Yet, paradoxically, conditions inside the institution were

made as disagreeable as possible, so that all but the most desperate of paupers would be deterred from asking for assistance from the authorities. This alteration threw many back on their own resources at a time when agricultural labour markets were contracting, in part because machinery was being used more widely. Although not immediate, these changes had a deleterious effect on population growth in the area over time and by the second half of the nineteenth century, many of the villages surrounding Otmoor were in decline.

The situation in the Medway basin was no less complex. Here, urban growth was driven by the expansion of industry and the presence of naval and military installations. During the second and third quarters of the nineteenth century, the area developed as an important centre for ship repairs and grew as a manufacturing base, when building industries moved into the area to service the growth of the capital. The labouring classes who flocked to these centres in search of work were too poor to afford good accommodation and consequently, they had little alternative but to settle in the poorer districts of towns like Chatham, where overcrowding and insufficient concern for sanitation resulted in poor social conditions. Employment for these inward migrants, however, was not guaranteed. Much of the work that was available in the shipyards required skilled hands. Agricultural and unskilled labourers were often employed on temporary contracts at low rates in other industries. For the most part, women found employment in low paid and often seasonal occupations like domestic service and the garment industry. Several other factors made life difficult for the Kentish poor. Welfare provision for instance, was for the most part geared towards those in desperate circumstances after the New Poor Law was introduced in 1834. Like their counterparts in Oxfordshire, the able bodied were expected to submit to the routine of the workhouse to secure relief. These problems were compounded by the fact that much of the available common land in Kent had been divided up by the end of the seventeenth century.

This meant that from the very beginning of the period covered by this thesis, households in the region were almost entirely dependent on the earnings that they secured from day labour or contract work. Labourers who were employed on a casual basis were placed in a particularly

vulnerable position because their earnings were to a large extent determined by the vagaries of the market-place. It was often the case that casual labourers earned less in areas where there was a surplus of labour. Many individuals also found it harder to secure positions during the winter months, when agricultural work was harder to come by.

It would appear from the above, that Kent and Oxfordshire developed very different socio-economic identities as the nineteenth century progressed, as a result of industrial growth and the introduction of legislative reforms. Yet it is also clear from the studies that were carried out in chapters, four, five, six and seven of this thesis, that the way that local officials in both regions discharged their responsibilities towards the poor had a considerable bearing on how they responded to legislative reforms in both regions. This leads neatly onto the third question that has been under consideration in this thesis; namely; to what extent were the poor prepared to step outside the boundaries of the law, if reforms outlawed practices that they relied on to support their makeshift households? Again, it is clear that a number of factors determined how the labouring population in the Medway basin and the Ploughley Hundred responded to legislative reforms between 1830 and 1885. For example, whether the local labour market was buoyant, or whether the structure of regional and local government allowed the authorities to exercise sufficient control over the population in particular localities. For instance, it is clear that unskilled labourers found it difficult to secure meaningful employment when the Swing disturbances erupted in Kent during the early 1830s. In contrast, the constabulary were consistently outnumbered and outmanoeuvred by protesters during the uprisings at Otmoor. In a similar vein, it was not until the Contagious Diseases Acts were introduced in the 1860s, that the Medway authorities were in a position to master the problem of prostitution in the maritime town of Chatham.

Yet, if these considerations are set aside for a moment, several things are clear from the survey that has been carried out by this thesis. Firstly, that labouring communities in Kent and Oxfordshire were prepared to face criminal sanctions, if they thought that they might be able to protect their households against reforms which might undermine their independence. Drawing on

the example of the protests that occurred in Kent and Oxfordshire during the 1830s, it is apparent that the character of these disturbances was very different. Even so, they still shared much common ground. In both instances, underemployment and inadequate welfare provision meant that conflict between the labouring poor and the landed classes was almost inevitable. In Kent, the Swing rioters selected their targets carefully. Farmers who refused to put their threshing machines beyond use and reinstate labourers were singled out by machine breakers and rick burners. Acting collectively, they attempted to restore some of the economic independence to their households that had been lost through growing industrialisation.

Similarly, the tactics that the protesters used at Otmoor were intended to intimidate the authorities, with the aim of preventing the division of common land which they relied on to support their makeshift households. Ultimately, their efforts were unsuccessful and the moor was enclosed in 1815. In one final episode of desperation, the local inhabitants tried to reassert their rights over the moor, after the banks of the river Ray were breached in 1829. The ferocity with which the protesters conducted themselves, suggests that the years of enclosure had exerted a heavy price on their households, or at the very least, had raised concerns about the future wellbeing of their communities. Like the Swing rioters, they were highly organised and used their local knowledge to great effect. In both cases, the protesters tried to forestall the progress of industrialisation, not only to preserve their traditional way of life, but much more importantly, to stave off the threat which they thought it presented to their economic independence. That so many individuals were prepared to step outside the boundaries of the law to achieve these aims, gives some indication of the desperate circumstances that many sections of the labouring poor found themselves in. To this end, it was argued that protests should be included in the spectrum of criminal activities that the poor used to protect their household economies.

The scope of this thesis, however, extends beyond the uprisings of the 1830s and has encompassed a wider range of offences than protest movements. A broader approach was clearly necessary if this thesis was to establish whether there was any link between crime and the makeshift

strategies that the labouring poor relied on to support their households. In recognition of this point, four additional offences were analysed: poaching, petty theft, (with the emphasis very much on the theft of livestock and food items), vagrancy and prostitution. Principally, these offences were chosen because they appeared with some regularity in the court books of the Medway basin and the Ploughley Hundred. In order to test whether the poor relied on these offences to support their makeshift households, the final question to be addressed in this thesis was: how were criminal strategies shaped by the kind of socio-economic conditions that existed in rural and urban environments during the nineteenth century? Before this line of inquiry is pursued further, a few general points need to be made. Firstly, this investigation was intended to build on the findings of earlier questions. The length of the period covered by this thesis and the complexity of showing how poverty was linked to the amount of industrial development that occurred in two distinct socio-economic regions meant that this was by far the hardest question to resolve. One also has to be mindful that some of the source material that was used for this investigation was not complete. In addition, it is apparent that the space that is available here makes it difficult to provide a detailed analysis of how the offences outlined above were linked to welfare provision, labour markets and the administration of the judicial system and policing in the two regions over the course of the nineteenth century. Even so, the study that had been carried out by this thesis has raised some interesting distinctions between the behaviour of offenders and the patterns of criminality in Kent and Oxfordshire between 1830 and 1885.

To deal with poaching first: it is clear that poachers were active in both regions throughout the whole of the period covered by this thesis. However, it has to be noted from the outset that this was predominantly a rural crime. The preferred *modus operandi* of poachers was in outlying districts, away from the main urban centres. It also appears that as the Medway towns urbanised, incidents of poaching decreased. It is possible that greater urbanisation encouraged some poachers to give up foraging for game. These individuals would have had to weigh up the advantages of ranging further afield, with the risks that were associated with entering unfamiliar territories where

the locals may have alerted the authorities to their presence. Yet, incidents of poaching also declined in areas like the Ploughley Hundred where there was little in the way of urban development. This would suggest that additional factors played a part in the equation. Certainly the police were given greater powers to stop and search suspects when reforms were introduced during the second half of the nineteenth century.

Magistrates in both regions were also not above imprisoning convicted poachers, especially if they failed to pay their fines. Again, the increased likelihood of apprehension and the threat of a prison sentence may have served as a deterrent to those who might previously have considered offending. Yet, the fact still remains that poaching continued to be a persistent problem in more rural districts of the Medway basin and the Ploughley Hundred into the 1880s. The studies that were carried out in chapters five and seven reinforced the idea that poverty was sometimes an underlying cause. Both surveys showed that year on year, indictments for poaching rose during the winter months and dropped away during the summertime. This pattern is hard to ignore. Furthermore, the indictments coincided with a slump in the agricultural calendar when secure employment in the agrarian sector was harder to come by. It is also apparent that the game often had little intrinsic value in the marketplace. If distress was not at the root of the offence, one must of course question why so many individuals put themselves beyond the law when the stakes were so high?

The survey that was carried out in chapter five demonstrated once again how hard it is to establish a connection between petty theft and poverty. Increases in indictments could be explained by any number of factors, including the public growing less reticent about prosecuting offenders, or the improvements that took place in the administration of the police and the judicial system. Yet, like poaching, incidents of petty theft rose during the winter months and often coincided with periods of economic uncertainty. The difficulty of course is proving that the thieves stole because they experienced hardship. However, as chapter five showed, stealing livestock was both cumbersome and risky. If sold for profit, the protagonists needed to be confident that any

accomplices would remain silent. Where smaller food products were involved, a sale would have needed to be completed quickly, or the item would have perished. Both of these factors perhaps suggest that in many instances livestock and food items were stolen for personal consumption. It is also clear from chapters six, seven and eight that many offenders were recidivists. Clearly, in this instance, severe penalties did not serve as a deterrent. Again, this suggests that these individuals were either reckless, or that their crimes were to some extent due to privation.

A similar argument was used in chapter seven to explain the high incidents of vagrancy that occurred in Kent and Oxfordshire during the nineteenth century. The chapter also demonstrated how legislation affected the ability of the poor to lead independent lives. For instance, the movement of paupers was restricted under both the Old Poor Law and the New Poor Law in 1834. Individuals who wished to relocate for work were ineligible for relief in their new place of settlement until they had lived there for a year. Clearly, this situation left many households in a vulnerable position if work dried up and they did not have the means to return to their home parish. The poor law authorities in Kent and Oxfordshire clearly recognised this discrepancy and categorised vagrants according to their apparent willingness to work. Even so, their tolerance of vagrancy started to wane during the 1850s, when unions in both regions started to devise elaborate strategies to deter vagrants. In Oxfordshire, casual wards were used to segregate indigents from the general population of the workhouse and severe labour-schemes were employed to ensure that their stay was brief. In parts of Kent, vagrants had to register with the police before they were allowed to enter the workhouse and wayfarer schemes were used to control their movement between institutions.

In spite of the authorities taking these measures, indictments for offences related to vagrancy increased significantly in Kent, during the 1870s and 1880s. Yet, indictments for vagrancy decreased in Oxfordshire over the same period. Again, this discrepancy appears to either suggest that methods of controlling vagrancy in Oxfordshire were more effective, or that the offence was linked to changes that were taking place in labour markets in the two regions. In Oxfordshire, the

bulk of employment was in agriculture and during the second half of the nineteenth century this sector was contracting. Evidence to this effect can be seen from the way that villages in the area started to depopulate. In contrast, the urban population in Kent was expanding and industrial development was on the increase. However, it is noticeable that a large proportion of the indictments for vagrancy in both regions occurred during the winter time. Clearly, this suggests that the patterns of inward migration and population movement did not match the amount of seasonal work that was available in particular districts. In this instance, it is clear that vagrants were frequently criminalised not because they were idle, but because circumstances beyond their control conspired against them to undermine their economic independence.

Similar rhetoric was used in chapter six to show how prostitution was linked to the sort of employment prospects that were open to women in the Ploughley Hundred and the Medway basin. In the process it identified some marked differences in the way that prostitutes behaved in the two areas. Although prostitutes were active in many parts of Oxfordshire, the hub of the trade was located in the county's commercial and academic centre at Oxford. One of the reasons for this concentration was that there was an obvious demand for the services of prostitutes from the transient student population. In contrast, prostitution was less of a problem for the authorities in more rural areas. It seems reasonable to suggest that this was because outlying districts like the Ploughley Hundred experienced little in the way of industrial development during the nineteenth century. One of the consequences of this economic stagnation was that social bonds tended to be closer and prostitutes were unlikely to have been tolerated by mainstream society. Prostitutes were also active in rural communities. However, they appear to have gone to some lengths to operate away from the general public, in a more covert manner than their contemporaries in more urban areas.

In comparison, the authorities in the Medway basin had to cope with large numbers of prostitutes. The local economy was largely defined by its military and naval installations and the town of Chatham had a longstanding attachment to the army and navy. The threat that venereal

diseases presented to the military personnel in the town was perceived to be so great, that it was one of the designated areas covered by the Contagious Diseases Acts in the 1860s and 1870s. It would be wrong, however, to suggest that economic necessity was behind every instance of prostitution in urban centres like Chatham. A considerable number of prostitutes were undoubtedly drawn into the area because the dockyards and garrisons provided them with a willing clientele. However, it is also apparent that others were involved in the profession because there was a shortage of well paid work for females in the region. Certainly, census reports of the period suggest that a large number of women in the town and surrounding area had no specific occupation. Many others were employed in the garment industry or worked as domestic servants; industries that were notorious for their long hours and low pay. It therefore seems fair to suggest that in such a climate, some women supplemented their regular earnings through prostitution in order to make ends meet.

It has been the purpose of this conclusion to summarise the main findings of the survey that has been carried out by this thesis. For this undertaking to be complete two things remain to be done. Firstly, this concluding section needs to outline what has been learned from this investigation. Secondly, it needs to offer some insights into the direction that future studies might take and explain how they can build on the foundations that have been laid by this thesis. To deal with the first of these objectives; it is clear that the relationship between crime and poverty was extremely complex. The labouring poor in Kent and Oxfordshire relied on a wide range of strategies to supplement their regular earnings. Legitimate sources of income, like poor relief, kin networks and charitable organisations stood alongside illegal practices like poaching, prostitution and vagrancy. In the eyes of the law, the latter were seen as offences that needed to be curtailed and where appropriate, punished. However, it is clear that the labouring population did not always regard them in the same way. In some respects, this may have been because the authorities had tolerated certain offences like prostitution and vagrancy when they did not represent a serious threat to public order, or when they did not have the mechanisms in place to deal with them effectively.

Other offences like poaching were inextricably bound up with reforms like the process of enclosure and the loss of common rights.

The loss of entitlements that had been accrued over generations bred considerable ill-feeling in many rural communities. It is argued that in some instances, this resentment manifested itself through poaching as the poor tried to re-assert their rights over common land. Yet it is also clear that the loss of entitlements prevented the poor from generating additional earnings for their households. Others may have offended because they thought that there was little chance that they would be prosecuted. Similar rhetoric may also explain why petty criminals like prostitutes, petty thieves and vagrants committed their crimes. Before reforms were introduced in the 1840s and 1850s, prosecutions were largely private affairs. Those with the resources to seek legal redress often did. Others, who wished to avoid the expense of costly court proceedings, frequently chose not to. In this sense, petty criminals walked an extremely fine line, balancing what could be gained from criminality with the severity of the sentence if they were caught. The fact that so many individuals appeared in court before and after the justice system was overhauled, either suggests that they were extremely naive about their chances of apprehension or that they saw punishment as an occupational risk worth taking. Alternatively, and in light of the evidence put forward in this thesis, it also seems perfectly reasonable to suggest that on occasions their judgement was sometimes blighted by necessity.

Yet, it would be wrong to suggest that single legislative reforms were responsible for the poor turning to crime en masse, to support their makeshift households. After all, the population of Kent had lived with the effects of enclosure since the end of the seventeenth century. Instead, it seems more reasonable to suggest that a combination of factors fostered a greater dependency on illegal practices. For example, the level of industrial development that occurred in Kent was out of kilter with the amount of population growth that occurred in the Medway basin. In contrast, the progress of industrialisation was stifled in Oxfordshire by the absence of manufacturing. At the same time, improvements in agriculture created surpluses in the labour-force. As a result of these

changes, labour markets in both regions became overstocked and greater numbers required assistance from the poor law authorities. In both areas, these developments coincided with radical changes that altered how poor relief was organised. When the old parish workhouses were grouped into unions, the able-bodied were refused relief unless they entered the workhouse. Unions in Kent and Oxfordshire did all that they could to reduce expenditure on the poor after the introduction of the 1834 Act. Still, it is clear, that they only had the resources to assist a small proportion of the local population, even if they had not acted in this way. It is perhaps understandable therefore that some sections of the labouring population in the Medway basin and the Ploughley Hundred chose to supplement their household earnings with criminal activity, when meaningful employment was hard to come by, out-relief was in short supply and when the only alternative was for them to enter the workhouse where conditions were extremely harsh.

At the same time it has to be recognised that the mechanisms that were necessary to control criminal behaviour effectively were not in place in either region at the beginning of the period covered by this thesis. Neither Kent, nor Oxfordshire had a regular system of policing until reforms were introduced in the 1850s. The absence of a professional constabulary clearly hindered the apprehension of criminals in the two regions, during the first half of the nineteenth century. Even afterwards, the reforms that were introduced took time to bed down before the operational effectiveness of the constabulary in the two areas improved. The way that the criminal justice system was organised also meant that justice was not dispensed in a very effective manner. Before the spread of summary justice, suspects could be held for months before trial. Reforms that were introduced in the 1840s and 1850s allowed more offenders to be processed through the petty sessions and there can be little doubt that this was reflected in a rise in prosecutions. However, it also meant that as the machinery of local government improved, the judiciary were able to use a greater range of sentencing options to punish offenders. At the same time, it is clear that as the police and judiciary tightened their grip on offenders, instances of poaching, prostitution, vagrancy and petty theft decreased. This would suggest that a proportion of criminality in earlier times had

been carried out by opportunists. Yet, it is difficult to separate these individuals from those who were in desperate circumstances, when using the limited amount of information that is available in single sources like petty session records.

The technique of Record Linkage has certainly allowed this thesis to overcome some of the difficulties associated with this problem. In the process it has revealed much about the relationship between crime and poverty in the Medway basin and the Ploughley Hundred, than would have been possible if more conventional methods of research had been used. For instance, it has permitted this thesis to compare how labour markets and welfare institutions functioned in urban and rural centres and to show how this influenced the behaviour of criminals. By drawing together information about individuals from different sources like census records, poor law documents and court reports this study has also been able to connect the personal circumstances of individuals to the crimes that they committed. Needless to say it would have been difficult for the separate studies that make up this thesis to argue so vociferously that there was a link between crime and the makeshift strategies that the labouring poor relied on to support their households, in two areas as diverse as Kent and Oxfordshire, if a less detailed methodological approach had been used. However, as chapters five, six and seven demonstrate, the technique of Record Linkage is not infallible. For instance, it is difficult to build profiles of individuals or communities when records are missing or incomplete. Even so, this thesis has shown that concerns of this sort can be overcome by supplementing the missing data with information from a wider range of sources.

Clearly, Record Linkage could be used in future studies to address research questions for which there was insufficient space here. For example, it would be useful to know whether the behaviour of the labouring poor in the Ploughley Hundred was typical of how other rural communities in Oxfordshire responded to social and economic change. Of course, the question could be extended further to see whether it was representative of how they behaved in other counties. Conversely, it would be interesting to discover whether the authorities in these areas dealt with criminality in the same way? Similar questions could be posed for more urbanised areas like

the Medway basin. A different timeframe would of course allow investigations of this sort to consider how other elements of socio-economic change affected the makeshift strategies of the labouring poor. Information extracted from low level reports could also be exploited further. Much more could be learned about the relationship between crime and poverty from reports like Maidstone Prison's committal registers. Medical commentaries, for example, provide insights into the height and general well-being of prisoners. They also give a good indication of whether particular individuals suffered nutritional deficiencies. Comments about literacy could be used to assess a prisoner's academic attainment and their suitability for employment in particular labour markets. The criminal careers of recidivists could be tracked using references to previous convictions. Census reports could be used to map criminal settlements and show whether criminals lived apart from 'respectable society' or simply reflected one aspect of life in working class districts.

Of course, the shape of these studies would depend to a large extent on both the quality and quantity of the source material that was available. Setting this concern aside, it is clear that there is a lot that could be done to move our understanding beyond the kind of surveys that regard crime as a phenomenon, apart and isolated from the sort of social and economic change that occurred during the nineteenth century. For now though, it is hoped that this thesis has clearly demonstrated the potential of using comparative micro-histories and Record Linkage to illustrate and uncover the life stories of men, women and communities in nineteenth century England.

Unpublished Primary Sources

Kent

Kent County Archives, County Hall, Maidstone:

The Maidstone Journal, (February 17, 1824). [CKS-P371].

Kent Calendar of Prisoners for Trial at the Lent Assizes at Maidstone, (March 11, 1839). [PC M4].

Calendar of Prisoners Tried at the Summer Assizes Holden at Maidstone, (July 24, 1839). [PCM4].

Petty Session Registers. [PS/md Sc1].

Medway Archives and Local Studies Centre, Strood:

Hoo Poor Law Union Workhouse Punishment Book, (1851-1918). [G/Ho WIp Film 434].

Hoo Poor Law Union Pauper Complaint Book, (1870-1913). [G/Ho W1z/2].

Medway Poor Law Union Minute Book of the Board, (September 8, 1835-August 7, 1837).
[Document number: G/Me/Am1].

Medway Union Poor Law Admission and Discharge Book. [G/Me W1a/1-3].

Relief Order Book Strood Workhouse, (1848-50). [G/ST AR11].

Court Register [Criminal Business; Details of Evidence], (1838-1842). [PS/NA 17].

Court Register [Criminal Business; Details of Evidence], (1859-1861). [PS/NA 18].

Register of Court of Summary Jurisdiction, (1883-1885). [PS/NA/24].

Draft Decree of an Order Made by The Chatham Magistrates Regarding Prostitution in Old Brompton. [PS/NA/72/6].

Charge Delivered to the Grand Jury, By the Hon. Mr. Justice Bosanquet, At the Assizes for the County of Kent, Held at Maidstone, on Thursday, the 14th of December, 1830. [PS/NA/72/7].

Rees, Henry, The Medway Towns-Their Settlement, Growth and Economic Development.
[Document Number: Med 330.94223 REES BX96018933 CO50689777].

Oxfordshire

St. Luke's, Oxfordshire County Records' Office, Cowley, Oxford:

Otmoor Committee Minute Book of Meetings. [CPZ. 15/2].

Layard Deposition, (Jan 6, 1835). [O.R.O., CPZ 15/15].

The Master's Journal Henley Workhouse, (December 1849-September 1851). [PL4/W/A1].

Bicester Poor Law Union Visitors Book. [PLU2/W/A2/1].

1881 Census of England and Wales. [RG11/157].

Bicester Library, Bicester, Oxfordshire:

Dunkin, John, The History and Antiquities of Bicester: A Market Town in Oxfordshire (London: 1816).

Dunkin, John, The History And Antiquities of the Hundreds of Bullington and Ploughly. Vol. 1 (London: 1823).

Private Collections (These documents are not in the public domain. Hence, the missing reference numbers):

Bicester Register of Court Summary Jurisdiction.

Handwritten Note Detailing Anthony Hall's Offences and Convictions.

Home Farm Account Book, North Oxfordshire, (1844-1858).

North Kent Committal Registers.

Newspapers:

Hampshire and Sussex Chronicle etc. Issue 4677 (June 13, 1877).

Hampshire Telegraph and Sussex Chronicle etc., (July 11, 1877).

Jackson's Oxford Journal, (January 15, 1820).

Jackson's Oxford Journal, (August 24, 1822).

Jackson's Oxford Journal, (August 31, 1822).

Jackson's Oxford Journal, (May 17, 1823).

Jackson's Oxford Journal, (March 1, 1828).

Jackson's Oxford Journal, (February 27, 1830).

Jackson's Oxford Journal, (September 11, 1830).

Jackson's Oxford Journal, (September 18, 1830).

Jackson's Oxford Journal, (July 2, 1831).

Jackson's Oxford Journal, (October 10, 1840).

Jackson's Oxford Journal, (August 19, 1848).

Jackson's Oxford Journal, (December 9, 1848).

Jackson's Oxford Journal, (January 29, 1848).

Jackson's Oxford Journal, (September 18, 1852).

Jackson's Oxford Journal, (November 3, 1855).

Jackson's Oxford Journal, (July 17, 1858).

Jackson's Oxford Journal, (October 24, 1874).

Jackson's Oxford Journal, (December 12, 1863).

Liverpool Mercury, (January 15, 1830).

Rochester Gazette and Weekly Advertiser, (March 23, 1830).

Rochester Gazette and Weekly Advertiser, (June 8, 1830).

The Rochester Gazette and Weekly Advertiser, (October 26, 1830).

Rochester Gazette and Weekly Advertiser, (November 9, 1830).

The Essex Standard, and Colchester, Chelmsford, Maldon, Harwich, and General County Advertiser, (June 14, 1834).

The Morning Chronicle, (December 17, 1827).

The Shield Issue, (May 9, 1870).

The Shield, (September 16, 1882).

Published Primary Sources

(Anon), Protest Against the Spirit and Practice of Modern Legislation, as Exhibited in the New Vagrant Act (London: 1824).

An Account of the Work-Houses in Great Britain, in the Year MDCCXXXII: Shewing Their Original, Number, and the Particular Management of Them at the Above Period. With Many Other Curious and Useful Remarks Upon the State of the Poor (London, 1786).

An Act for Paving, Cleansing, Lighting, and Watching the High Streets and Lanes in the Parish of St. Nicolas, Within the City of Rochester and the Parish of Strood, in the County of Kent and for Making a Road Through Star-Lane, ...to Chatham Hill, in the Said county (Rochester: 1799).

Baxter, G.R.W. The Book of the Bastiles (London: 1841).

Archer, Thomas, The Pauper, The Thief and The Convict: Sketches of Some of Their Homes, Haunts and Habits (London: 1865).

Bowring, John, (ed.), The Works of Jeremy Bentham, Vol. IV (Edinburgh: 1843).

Caird, James English Agriculture in 1850-51 (London: 1852).

Davis, Richard, General View of the Agriculture of the County of Oxford, with Observations on the Means of its Improvement. By Richard Davis, Topographer to His Majesty. Drawn up for the Consideration of the Board of Agriculture and Internal Improvement (London: 1794).

De Beaumont, G. On the Penitentiary System in the United States and Its Application in France With An Appendix on Penal Colonies And Also, Statistical Notes Translated From The French With An Introduction, Notes And Additions By Francis Lieber (Philadelphia: 1833).

De Tocqueville, A. With An Appendix on Penal Colonies And Also, Statistical Notes Translated From The French With An Introduction, Notes And Additions By Francis Lieber (Philadelphia: 1833).

Defoe, Daniel, A Tour Through the Whole Island of Great Britain: Divided into Circuits or Journies. Containing a Description of the Principal Cities and Towns: Originally Begun by the Celebrated Daniel De Foe, Continued by the Late Mr. Richardson (London: 1769).

Fisher, Thomas, The Kentish Traveller's Companion (Canterbury: 1799),

Freeland, J. B., State of the Police in the Rural Districts, with Some Suggestions for its Improvement (London: 1839).

Hughes, William, The Geography of British History (London: 1863).

Jones, John Gale Sketch of a Political Tour Through Rochester, Chatham, Maidstone, Gravesend, and C (London: 1796)

Knight, Charles, The Popular History of England An Illustrated History of Society and Government From the Earliest Period to Our Own Times: Volume VII. From The Close Of The American War, 1788, To The Restoration Of The Bourbons, And The Peace Of Paris, 1814 (London: 1861).

Newton, William, The History and Antiquities of Maidstone, The County Town of Kent (London: 1741).

Proposals Made in the Year 1720: To the Parishioners of Strood for Building a Workhouse There (Strood: 1720).

Rawson W. Rawson, 'An Enquiry into the Condition of Criminal Offenders in England and Wales, with Respect to Education; or, Statistics of Education among the Criminal and General Population of England and Other Countries', Journal of the Statistical Society of London, Vol. 3, No. 4 (1841), 331-52.

Stephens, Henry, The Book of the Farm Detailing the labours of the Farmer, Steward, Plowman, Hedger, Cattle-man, Shepherd, Field Worker and Dairymaid (New York: 1860).

Stewart, C.S., (M. A), Sketches of Society in Great Britain and Ireland (Philadelphia: 1834).

Tait, William, Magdalenism. An Inquiry into the Extent, Causes, and Consequences of Prostitution in Edinburgh (Edinburgh: 1840).

The Rising of the Agricultural Labourers: Nine Pamphlets and Six Broad­sides, 1830-1831 (New York, Arno Press, 1972).

The Second Annual Report of the Poor Law Commissioners for England and Wales with Appendixes A. B. C. D. (London: 1836).

Young, Arthur, A View of the Agriculture of Oxfordshire Drawn up for the Board of Agriculture and Internal Improvement By the Secretary of the Board (London: 1809).

Parliamentary Papers

Abstract of Aggregate Number of Criminal Offenders in England, Scotland and Ireland, 1838-1840. [Microfilm number: 44.116; Session 1841].

Abstract of Answers and Returns Under Act for Taking Account of Population of Great Britain (Enumeration Abstract; Parish Register Abstract), 1821. [Microfilm number: 24.111-8; Session 1822].

Abstract of Population Returns of Great Britain, 1831. [Microfilm number: 36.259-78; Session 1833].

Abstract Return from Clerks of Petty Sessions in England of Fees, Convictions and Costs, 1840-42. [Microfilm number: 47.316-7; Session 1843].

Abstract Return of Persons convicted of Offences Against Game Laws at Petty Sessions, Quarter Sessions and Assizes, in England and Wales, May 1846-August 1848; Inquests on Persons Killed in Affrays Between Gamekeepers and Poachers, November 1832-1848. [Microfilm number: 53.333-4; Session 1849].

Account of Gaols, Houses of Correction and Penitentiaries in England and Wales, 1818. [Microfilm number: 20.144-15; Session 1819].

An Account of Commitments and Convictions Under Game Laws in England 1815-21. Microfilm number: 24.167: Session 1822].

Account of Number of Convictions Under the Game Laws, 1820-26. [Microfilm number: 29.158; Session 1826-7].

Account of Number of Convictions under Game Laws, 1827-30. [Microfilm number: 33.72-3; Session 1830-1].

Affidavits in Court of Queen's Bench against Conditional Order for Criminal Information on Application of D. Reddin against Doctor Burns, Medical Officer of Chatham Convict Prison. [Microfilm number: 79.4478; Session 1873].

Annual Report of Assistant Commissioner of Police of Metropolis on Operation of Contagious Disease Acts 1881. [Microfilm number: 88.439-40; Session 1882].

Bill to Authorize Summary Conviction of Juvenile Offenders in Cases of Larceny and Misdemeanor, and to Provide Places for holding Petty Sessions of Peace. [Microfilm number: 43.17; Session 1840].

Bill for More Speedy Trial and Punishment of Juvenile Offenders. [Microfilm number: 51.10; Session 1847].

Bill, Intituled, Act for Effective Prevention of Crime as Amended in Committee. [Microfilm number: 75.14; Session 1868-9].

Bill to Amend Laws for Preservation of Game as Amended by Committee. [Microfilm number: 27.14; Session; 1825]

Census of England and Wales 1871 Volume 1. Area, Houses and Inhabitants (Counties). [Microfilm number: 78.570-6; Session 1872].

Census of England and Wales. Preliminary Report and Tables of Population and Houses Enumerated in England and Wales, and Islands in British Seas. [Microfilm number 77.541-3; Session 1871].

Population Tables, 1851, Part I, Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851, Report, England and Wales, I-VII; Area and Population. [Microfilm number: 57.616-24]

Census of England and Wales 1881 Volume 1. Area, Houses and Population (Counties). [Microfilm number: 89.643-8; Session 1883].

Comparative Statement of Number of Paupers in Receipt of Relief 1856 and 1857. [Microfilm number: 62.266; Session 1857 2].

Comparative Statement of Number of Paupers relieved, January 1857 and 1858. [Microfilm number: 62.270; Session 1857/2].

Comparative Statement of Number of Paupers relieved, January 1861 and 1862. [Microfilm number: 67.429-30; Session 1861].

Coms of Prisons, Sixth Annual Report, Appendix 1883, Part II. [Microfilm number: 89.253-6; Session 1883].

Coms of Prisons, Ninth Annual Report, Appendix 1886, Part II. [Microfilm number: 92.258-60; Session 1886].

Directors of Convict Prisons on the Discipline and Management of Pentonville, Millbank, and Parkhurst Prisons, and of Portland, Portsmouth, Dartmoor, Chatham, and Brixton Prisons with Fulham Refuge and the Invalid prison at Lewes. For the year 1857. [Microfilm number: 63.259-263; Session 1857-8].

First Annual report of the Poor Law Commissioners for England and Wales. Poor Law Commissioners First Annual Report, Appendix. [Microfilm number: 38.287-90; Session 1835].

Inspectors of Prisons of Great Britain 1. Southern District, Forty-second Report. [Microfilm number: 84.302-6; session 1878].

Inquiry as to Alleged Ill Treatment of Convict C. McCarthy in Chatham Convict Prison. [Microfilm number: 84.500; Session 1878].

Population Tables, 1851, Part II. Ages and Occupations. Volume I. Report, England and Wales, I-VI., Appendix. [Microfilm number: 57.636-45].

Population Tables, 1851, Part I. Number of Inhabitants in 1801, 1811, 1821, 1831, 1841 and 1851. Volume I. Report, England and Wales, I-VII; Area and Population, Division III. [Microfilm number: 57. 616-24].

Regulations in Poor Law Unions in England as to Reception and Relief of Casual Poor in Workhouses. [Microfilm number: 70.423; Session 1864].

Report from the Select Committee on the Laws Relating to Game, Minutes of Evidence. [Microfilm number: 25.28; Session 1823].

Reports of Inspectors of Constabulary to Secretary of State, 1858-59. [Microfilm number: 66.452-4; Session: 1860].

Reports of Inspectors of Constabulary to Secretary of State, 1873-4. [Microfilm number: 81.271-4; Session 1875].

Reports on Vagrancy to President of Poor Law Board by Poor Law Inspectors. [Microfilm number: 72.277-9; Session 1866].

Return of Average Annual Expenditure of Parishes in each Union in England and Wales Prior to Declaration of Union; Orders for Out-door Relief by Justices of Peace since Passing of Poor Law Amendment Act. [Microfilm number: 46.244; Session 1842].

Return of Description of Buildings in which Justices of Petty Sessions Districts in England and Wales Hold Usual Sittings. [Microfilm number: 49.262; Session 1845].

Return of Judicial Statistics of England and Wales, 1859. [Microfilm number: 66.515-7; Session 1860].

Return of Judicial Statistics of England and Wales, 1864. [Microfilm number: 71.404-7; Session 1865].

Return of Judicial Statistics of England and Wales, 1867. [Microfilm number: 74.754-6; Session 1867-8].

Return of Judicial Statistics of England and Wales, 1869. [Microfilm number: 76.604-6; Session 1870].

Return of Judicial Statistics of England and Wales, 1870. [Microfilm, number: 77.590-2; Session 1871].

Return of Judicial Statistics of England and Wales, 1870. [Microfilm number: 77.590-2; Session 1872].

Return of Judicial Statistics of England and Wales, 1874. [Microfilm number: 81.643-5; Session 1875].

Return of Judicial Statistics of England and Wales, 1880. [Microfilm number: 87.828-30; Session 1881].

Return of Judicial Statistics of England and Wales, 1881. Microfilm number: 88.624-6; Session 1882].

Return of Judicial Statistics of England and Wales, 1884. Microfilm number: 91.694-6; Session 1884-5].

Return of Judicial Statistics of England and Wales 1885. Microfilm number: 92.555-7; Session 1886].

Return of Judicial Statistics of England and Wales, 1889. [Microfilm number: 96.673-6; Session 1890].

Return of Number of Commitments Under Game Laws in England and Wales, 1833-36. [Microfilm number: 39.314-5; Session 1836].

Return of Number of Convictions Under Game Laws and Prevention of Poaching Act in Each County in England and Wales, 1869. [Microfilm number: 76.542; Session 1870].

Return of Number of Convicts Removed for Hulks to Chatham Prison, Orders by Directors of Convict Prisons Respecting Late Outbreak Amongst Convicts at Chatham. [Microfilm number: 67.419; Session 1861].

Return of Number of Persons Confined in Great Britain and Ireland for Offences Against Game Laws. [Microfilm number: 35.268; Session 1831-2].

Return of Number of Persons Relieved With Out-door and In-door Relief in England and Wales, February 1846 and 1847. [Microfilm number: 52.433].

Return of Number of Public Houses and Beerhouses Used as Brothels or Houses for Immoral Purposes in Districts Subjected to Contagious Diseases Acts 1865-1881. [Microfilm number: 88.440; Session 1882].

Return of Number of Women and Children chargeable to Poor Law in England and Wales, 1856, in Consequence of Persons by Whom Maintained Being Confined in Gaol for Offences Against Game Laws. [Microfilm number: 63.444; Session 1857-8].

Returns of Prosecutions in England and Scotland under Game Laws, 1857-62. Microfilm number: 70.393-8; Session 1864:

Return of Vagrants Relieved in England and Wales January-June 1884-85. [Microfilm number: 91.538; Session 1884-5].

Royal Commission on establishing Efficient Constabulary Force in Counties of England and Wales, First Report, Appendix. [Microfilm number: 42.130-2; session 1839].

Select Committee of House of Lords on State of Agriculture in England and Wales (1836. Report, Minutes of Evidence, Appendix, Index. [Microfilm number: 40.3-36].

Select Committee on Practice of Paying Wages of Labour out of Poor Rates: Report, Minutes of Evidence. [Microfilm number: 26.40; Session 1824].

Statement of Comparative Number of Criminal Offenders committed for Trial in England and Wales, 1828-1834. [Microfilm number: 38.358; Session 1935].

Summary Statements of Number of Persons Charged with Criminal Offences in England and Wales, 1824-30. [Microfilm number: 33.72; Session 1830-1].

Tables of Number of Criminal Offenders in England and Wales 1848. [Microfilm number: 53.330-1; Session 1849].

Tables of Population and Houses in Divisions, Registration Counties and Districts of England and Wales and Scotland, and Islands in British Seas, 1851. [Microfilm number: 55.362-3].

Tables of Number of Criminal Offenders in England and Wales, 1838. [Microfilm number: 42.260-1; Session 1839].

Tables of Population and Houses in Divisions, Registration Counties and Districts of England and Wales, Scotland, and Islands in British Seas, 1851. [Microfilm number: 55.362-3, Session 1851].

The Third Annual Report of the Poor Law Commissioners for England and Wales with Appendices A-C, Appendix D, (1837). Microfilm number: 40.232-7].

Monographs and Edited Volumes

Archer, John E., Social Unrest and Popular Protest in England 1780-1840 (Cambridge: Cambridge University Press, 2000).

Armstrong, Alan (ed.), The Economy of Kent 1640-1914 (Woodbridge: Boydell and Brewer Ltd, 1995).

Bohstedt, John, Riots and Community Politics in England and Wales 1790-1810 (Cambridge, Massachusetts: Harvard University Press, 1983).

Burgoyne Black, Shirley, Swing: The Years 1827-1830 As Reflected in a West Kent Newspaper, Archaeologia Cantiana, Volume CVII 1989 (Gloucester: Alan Sutton Publishing, 1990).

Burnett, John, Useful Toil Autobiographies of Working People from the 1820's to the 1920's (London: Penguin Books Ltd, 1974).

Burnett, John, Idle Hands: The Experience of Unemployment, 1790-1990 (London: Routledge, 1994).

Canning, John, (ed.), Mayhew's London (London: Book Club Associates, 1986).

Carpenter, K.E. (ed.), The Rising of The Agricultural Labourers Nine Pamphlets and Six Broad­sides 1830-1831 (New York: Arno Press, 1972).

Carpenter, K.E. (ed.), The Aftermath of the "Last Labourers Revolt" (New York: Arno Press, 1972).

Carpenter, Mary, Reformatory Schools for the Children of the Perishing and Dangerous Classes and for Juvenile Offenders (New York: Augustus M. Kelley Publishers, 1969).

Charlesworth, A. An Atlas of Rural Protest in Britain 1548-1900 (Beckenham: Croom Helm Ltd, 1983).

Checkland, S.G. and E.O.A., Checkland, (eds.), The Poor Law Report of 1834 (Harmondsworth: Penguin, 1974).

Coates, A.W., Poverty in the Victorian Age Debates on the Issue from 19th Century 1834-1870 Volume II (Farnborough: Gregg International Publishers, Ltd, 1973).

Conley, Carolyn, The Unwritten Law Criminal Justice in Victorian Kent (New York: Oxford University Press, 1991).

Coombe, Derek, Fishermen from the Kentish Shore (Rainham: Meresborough Books, 1989).

Coombe, Derek, The Bawleymen Fishermen and Dredgermen of the River Medway Council (Rainham: Pennant Books, 1979).

Crawshaw, J.D., The History of Chatham Dockyard Volume I (Newcastle upon Tyne: Isobel Garford, 1999).

Cresswell, Alison, The Swing Riots in Kent (Maidstone: KCC Arts and Libraries Publications, 2003)

Critchley, T.A., A History of Police in England and Wales (London: Constable and Company Ltd, 1978).

Crossley, Alan and C.R. Elrington (eds.), Victoria County History A History of the County of Oxford Volume 4 (London: Institute of Historical Research, (OUP), 1979).

Crowther, M.A., The Workhouse System 1834-1929: The History of an English Social Institution (London: Batsford Academic and Educational Ltd, 1981).

- Crowther, M.A., The Workhouse System 1834-1929: The History of an English Social Institution (Georgia: The University of Georgia Press, 1982).
- De Lacy, Margaret, Prison reform in Lancashire, 1700-1850: A Study in Local Administration (Manchester: Manchester University Press, 1986).
- Dickens, Charles, The Pickwick Papers (London: Penguin Books, 1986).
- Digby, Anne, Pauper Palaces (London: Routledge, Kegan Paul Ltd, 1978).
- Digby, Anne, The Poor Law in Nineteenth Century England and Wales (London: The Historical Association, 1982).
- Driver, Felix, Power and Pauperism: The Workhouse System 1834-1884 (Cambridge: Cambridge University Press, 1993).
- Emery, Frank, The Making of the English Landscape: The Oxfordshire Landscape (London: Hodder and Stoughton, 1974).
- Emsley, Clive, Crime and Society in England 1750-1900 (Harlow: Longman, 1996).
- Englander, David, Poverty and Poor Law Reform in 19th Century Britain, 1834-1914 From Chadwick to Booth (Harlow: Longman Ltd, 1998).
- Floud, Roderick and Paul Johnson, (eds.), The Cambridge Economic History of Modern Britain (Cambridge: Cambridge University Press, 2004).
- Floud, Roderick Donald McCluskey, (ed.), The Economic History of Britain since 1700: Volume 2: 1860 to the 1970s (New York: Cambridge University Press, 1981).
- Fowler, Simon, Workhouse The People The Places The Life Behind Doors (Kew: The National Archives, 2008).
- Fraser, Derek, (ed.), The New Poor Law in the Nineteenth Century (London: The Macmillan Press Ltd, 1976).
- Fryer, Peter, (ed.), William Acton Prostitution (London: MacGibbon and Kee Ltd, 1968).
- Godfrey, Barry and Paul Lawrence, Crime and Justice (Uffculme Cullompton: Willan Publishing, 2005).
- Golby, J.M. (ed.), Culture and Society in Britain A Source Book of Contemporary Writings (Oxford: Oxford University Press, 1992).

Hammond, J.L. and Barbara Hammond, The Town Labourer 1760-1832 (London: Longmans, Green, And Co, 1917).

Hammond, J.L. and Barbara Hammond, The Village Labourer 1760-1832: A Study in the Government of England Before the Reform Bill (London: Longmans, Green, and Co, 1920).

Hammond, J.L. and Barbara Hammond, The Village Labourer 1760-1832: A Study in the Government of England Before the Reform Bill (London: Longmans, Green, and Co Ltd, 1936).

Henderson, Tony, Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730-1830 (London: Longman, 1999).

Hill, C.P. British Economic and Social History 1700-1982 (London: Edward Arnold Ltd, 1985).

Hitchcock, Tim and Peter King and Pamela Sharpe, (eds.), Chronicling Poverty The Voices and Strategies of the English Poor, 1640-1840 (Basingstoke: Macmillan Press Ltd, 1997).

Hobsbawm, Eric, The Age of Revolution 1789-1848 (London: Abacus, 2008).

Hobsbawm, E.J. and George Rudé, Captain Swing (Woking: Unwin Brothers Ltd, 1970).

Hobsbawm, E.J. and George Rudé, Captain Swing (London: Lawrence and Wishart, 1970).

Hudson, Pat, Regions and Industries A Perspective on the Industrial Revolution in Britain (Cambridge: Cambridge University Press, 1989).

Hufton, Olwen, H., The Poor of Eighteenth Century France 1750-1789 (Oxford: Clarendon Press, 1974).

Humphreys, Robert, No Fixed Abode: A History of Responses to the Roofless and the Rootless in Britain (London: Macmillan Press Ltd, 1999).

Hunt, E.H., Regional Wage Variations in Britain 1850-1914 (London: Oxford University Press, 1973).

Ingleton, Roy, Policing in Kent 1800-2000 (Maidstone: Cranborne Publications, 2006).

Johnston, Norman, Forms of Constraint A History of Prison Architecture (Illinois: University of Illinois Press, 2000).

Jones, David, Crime, Protest, Community, and Police in Nineteenth Century Britain (London: Kegan Paul Ltd, 1982).

- Joyce, Brian, The Chatham Scandal: A History of Medway's Prostitution in the Late 19th Century (Rochester: Bagbins Book Bazaar/Bruce Aubry, 1999).
- Kendall, Peter, Defending the Dockyard The Story of the Chatham Lines (March, 2005).
- King, Peter, Crime, Justice, and Discretion in England 1740-1820 (Oxford: Oxford University Press, 2003).
- King, Steven, Poverty and Welfare in England 1700-1850: A Regional Perspective (Manchester: Manchester University Press, 2000).
- King, Steven and Geoffrey Timmins, Making Sense of the Industrial Revolution: English Economy and Society 1700-1850 (Manchester: Manchester University Press, 2001).
- King, Steven and Alannah Tomkins, (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003).
- Kirby, Peter, Child Labour In Britain 1750-1870 (Basingstoke: Palgrave Macmillan, 2003).
- Lansberry, F. (ed.), Government and Politics in Kent, 1640-1940 (Woodbridge: Boydell Press, 2001).
- Linebaugh, P., The London Hanged Crime and Society in the Eighteenth Century (London: Verso, 2003).
- Linebaugh, P; Thompson, E.P; Rule, John G. and Carl Winslow, Albion's Fatal Tree: Crime and Society in the Eighteenth Century (London: Penguin Books Ltd, 1977).
- Lobel, Mary D. (ed.), The Market Town of Bicester: A History of the County of Oxford: Volume 6 (London: Institute of Historical Research, (OUP), 1959).
- Lobel, Mary, D. and G.H. Dannatt, Bicester: Victoria County History: County of Oxford Volume VI (London: Institute of Historical Research, (OUP), 1959).
- Long, Jane, Conversations in Cold Rooms Women and Poverty in 19th Century Northumberland (Woodbridge: Boydell Press, 1999).
- Luddy, Maria, Prostitution and Irish Society 1800-1940 (Cambridge: Cambridge University Press, 2007).
- Lunn, Keith and Ann Day, (eds.), History of Work Labour Relations In The Royal Dockyards (London: Mansell Publishing Ltd, 1999).

MacDougall, Phillip, Royal Dockyards (Dyfed: Shire Publications Ltd, 1989).

MacDougall, Phillip, The Chatham Dockyard Story (Rainham: Meresborough Books Ltd, 1987).

Marshall, Dorothy, The English Poor In The Eighteenth Century (London: George Routledge and Sons, Ltd, 1926).

McConville, Sean, A History of English Prison Administration Volume 1 1750-1877 (London Routledge and Kegan Paul, 1981).

Mingay, G.E. (ed.), Arthur Young and His Times (London: The Macmillan Press Ltd, 1975).

Mingay, G.E. (ed.), The Unquiet Countryside (London: Routledge, 1989).

Morris, Norval and David J. Rothman (eds.), The Oxford History of The Prison: The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998).

Morriss Roger, The Royal Docklands During the Revolutionary and Napoleonic Wars (Leicester: Leicester University Press, 1983).

Morrison, Kathryn, The Workhouse A Study of Poor-Law Buildings in England (Swindon: English Heritage, 1999).

Page, William, (ed.), The Victoria History Of The County Of Kent (London, St. Catherine Press, 1932).

Philips, David, Crime and Authority In Victorian England (London: Croom Helm, 1977).

Philips, David and Robert D. Storch, Policing Provincial England 1829-1856 The Politics of Reform (London: Leicester University Press, 1999).

Potts, William and Edward T, Clark, A History of Banbury: The Story of the Development of a Country Town (Banbury: Gulliver Press, 1978).

Preston, J.M., Industrial Medway: An Historical Survey (Rochester: J M Preston, 1977).

Quennell, Peter, (ed.), Henry Mayhew London's Underworld (London: Hamlyn Publishing Group Limited, 1969).

Quinn, Michael, (ed.), The Collected Works Of Jeremy Bentham Writings On The Poor Laws Vol. 1. (Oxford: Clarendon Press, 2001).

Radzinowicz, Leon and Roger Hood, The Emergence of Penal Policy in Victorian and Edwardian England (Oxford: Clarendon Paperbacks, 1990).

Randall, Adrian and A. Charlesworth (eds.), Moral Economy of Popular Protests, Crowds, Conflicts, And Authority (Basingstoke: Macmillan Press Ltd, 2000).

Razzell, P.E. and R. W. Wainwright (eds.), Selections from the Morning Chronicle The Victorian Working Class (London: Frank Cass and Company, 1973).

Reaney, Bernard, The Class Struggle in 19th Century Oxfordshire: The Social and Communal Background to the Otmoor disturbances of 1830-1835 (Oxford: History Workshop, 1970).

Reed, Mick and Roger Wells, (eds.), Class, Conflict and Protest in The English Countryside 1700-1880 (London: Frank Cass and Co Ltd, 1990).

Reid, Andy, The Union Workhouse: A Study Guide for Teachers and Local Historians (Chichester: Phillimore and Co Ltd, 1994).

Richmond, Carol (ed.), Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1831-1835 (Witney: Black Sheep Publications, 2005).

Richmond, Carol, (ed.), Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1836-9 (Witney: Black Sheep Publications, 2005).

Richmond, Carol, (ed.), Calendars of Prisoners Tried at Oxford Quarter Sessions and Assize Courts 1840-42 (Witney: Black Sheep Publications, 2006).

Rivkin, Julie and Michael Ryan, (eds.), Literary Theory: An Anthology (Oxford: Blackwell Publishing, 2002).

Rogers, A.G.L. (ed.), Sir F. M. Eden The State of the Poor: A History of the Labouring Classes In England (London: George Routledge and Sons, Ltd, 1928).

Rose, Michael E. (ed.), The Poor and the City: the English Poor Law in its Urban Context 1834-1914 (Leicester: Leicester University Press, 1985).

Rose, Michael E., The Relief of Poverty 1834-191 (London: Macmillan Press Ltd, 1972).

Rose, Michael E., The English Poor Law 1780-1930 (Newton Abbot: David and Charles, 1971).

Ross Ellen, Love and Toil Motherhood in Outcast London 1870-1918 (New York: Oxford University Press, 1993).

Rule, John and Roger Wells, Crime, Protest and Popular Politics in Southern England 1740-1850 (London: The Hambledon Press, 1997).

Sale, Kirkpatrick, Rebels Against the Future The Luddites And Their War On The Industrial Revolution (Reading, Massachusetts: Addison Wesley Publishing Company, 1995).

Seaman, L.C.B., Victorian England: Aspects of English and Imperial History 1837-1901 (London: Routledge, 1995).

Shakesheff, T., Rural Conflict, Crime and Protest Herefordshire 1800-1860 (Woodbridge: Boydell Press, 2003).

Sharpe, J.A., Crime in Early Modern England 1550-1750 (London: Longman, 1999).

Shepard, Leslie, The History of Street Literature (Newton Abbott: David and Charles, 1973).

Shore, Heather, Artful Dodgers Youth And Crime In Early 19th Century London (Woodbridge: Boydell Press, 2002).

Shorter, Alfred, H. Paper Making in the British Isles An Historical and Geographical Study (Newton Abbott: David and Charles, 1971).

Sion, Abraham A. Prostitution And The Law (London: Faber and Faber Ltd, 1977).

Slack, Paul, The English Poor Law 1531-1782 (Basingstoke: Macmillan Education Ltd, 1990).

Snell, K.D.M., Annals of the Labouring Poor Social Change and Agrarian England 1660-1900 (Cambridge: Cambridge University Press, 1987).

Stevenson, John, Popular Disturbances in England 1700-1832 (Harlow: Longman Ltd, 1992).

Thompson, D. (ed.), The Essential E. P. Thompson (New York: The New Press, 2001).

Thompson, E.P., The Making of the English Working Class (London: Penguin Books, 1991).

Thompson, E.P., Customs in Common (London, Penguin, 1993).

Thompson, E. P., Whigs And Hunters The Origin of the Black Act (New York: Pantheon Books, 1975).

Treble, J.H., Urban Poverty in Britain (London: Batsford Ltd, 1979).

Turner, Michael, Enclosures in Britain 1750-1830 (Basingstoke: Macmillan Education Ltd, 1984).

- Walter, John and Roger Schofield (eds.), Famine, Disease and the Social Order in Early Modern Society (Cambridge: Cambridge University Press, 1991).
- Walkowitz, Judith, Prostitution and Victorian Society: Women, Class and the State (Cambridge: Cambridge University Press, 1999).
- Webb, S. and B. Webb, English Local Government English Poor Law History-Part 1: The Old Poor Law (London, England, Frank Cass and Co, 1963).
- Webb, S. and B. Webb, English Local Government English Poor Law History-Part II: The Last Hundred Years Volume I (London: Longmans, Green and Co, 1929).
- Webb, S. and B. Webb, English Local Government English Poor Law History-Part II: The Last Hundred Years Volume II (London: Longmans, Green and Co, 1929).
- Wiener, Martin J., Reconstructing the Criminal Culture, Law, And Policy in England, 1830-1914 (New York: Cambridge University Press, 1994).
- Williams, Karel, From Paupers to Poverty (London: Routledge and Kegan Paul Ltd, 1981).
- Willmott, F.G., Bricks and Brickies (Chatham: Frank G. Willmott, 1972).
- Willmott, F.G., Cement Mud and Muddles A History of the A. P. C. M. Barge (Chatham: Frank G. Willmott, 1977).
- Wood, Peter, Poverty and the Workhouse in Victorian Britain (Strood: Alan Sutton Ltd, 1991).
- Woodcock, George (ed.), William Cobbett Rural Rides (London: Penguin Group Ltd, 1985).
- Woodward, E.L., The Age of Reform 1815-1870 (Oxford: Clarendon Press, 1954).
- Wu, Duncan, (ed.), Romanticism An Anthology (Oxford: Blackwell Publishing Ltd, 2004).
- Yelling, J.A., Common Field Enclosure and Enclosure in England 1450-1850 (London: Macmillan Press Ltd, 1977).

Journal Articles and Chapters from Edited Volumes

- Ager, Adrian and Catherine T. Lee, 'Prostitution in the Medway Towns 1860-1885', Local Population Studies, No. 83 (2009), 21-38.

- Alanen, Arnold R, 'Documenting the Physical and Social Characteristics of Mining and Resource-Based Communities', Bulletin of the Association for the Preservation Technology, Vol. 11, No. 4 (1979), 49-68
- Archer, John E., 'Poaching Gangs and Violence The Urban-Rural Divide in Nineteenth-Century Lancashire' British Journal of Criminology, Vol. 39, No. 1 (1999), 25-38.
- Ashforth, David, 'The Urban Poor', in Derek Fraser, (ed.), The Poor Law in the Nineteenth Century (London: Macmillan Press, 1976), 129-48.
- Ashworth, W., 'System of Terror: Samuel Bentham, Accountability and Dockyard Reform During the Napoleonic Wars' Social History, Vol. 23, No.1 (1998), 63-79.
- Bailey, Victor, 'English Prisons, Penal Culture, and the Abatement of Imprisonment, 1895-1922' Journal of British Studies, No. 36 (1997), 285-324.
- Baines, D.E., 'The Labour Supply and the Labour Market 1860-1914', in Roderick Floud, and Donald McCloskey, (eds.), The Economic History of Britain Since 1700 Volume 2 (New York: Cambridge University Press, 1981), 144-74.
- Barker, T.C., 'David Brooke, The Railway Navvy' The Economic History Review, Vol. 37, No. 4 (1984), 618-29.
- Berg, Maxine and Pat Hudson, 'Growth and Change: A Comment on the Crafts-Harley View of the Industrial revolution', Economic History Review, Vol. 47, No. I (1994), 147-9.
- Berg, Maxine and Pat Hudson, 'Rehabilitating the Industrial Revolution', The Economic History Review, Vol. 45, No. 1 (1992), 24-50.
- Betz Horst, K. and E.K. Hunt, 'Methodological Problems in Contrasting Economic Systems', American Journal of Economics and Sociology, Vol. 29 No. 4 (1970), 353-68.
- Bishop, Robert L., 'Competitive Value When Only Labor is Scarce', The Quarterly Journal of Economics, Vol. 100, No. 4 (1985), 1257-92.
- Blacksell, Mark and Charles L. Fussel, 'Barristers and the Growth of Local Justice in England and Wales', Transactions of the Institute of British Geographers, Vol. 19, No. 4 (1994), 482-93.
- Blaug, Mark, 'The Poor Law Report Reexamined', The Journal of Economic History, Vol. 24. No. 2 (1964), 229-45.

- Boot, H.M., 'Unemployment and Poor Law Relief in Manchester, 1845-50', Social History, Vol. 15, No. 2 (May, 1990), 217-28.
- Bowley, A.L., 'Changes in Average Wages (Nominal and Real in the United Kingdom Between 1860 and 1891)', Journal of the Royal Statistical Society, Vol. 58, No. 2 (1895), 223-85.
- Boyer, George R., 'The Old Poor Law and the Agricultural Labor Market in Southern England: An Empirical Analysis', The Journal of Economic History, Vol. 46, No. 1 (1986), 113-35.
- Boyer, George R. And Timothy Hatton, 'Migration and Labour Market Integration in Late Nineteenth Century England and Wales', The Economic History Review, Vol. 50, No. 4 (1997), 697-734.
- Brown, A.V., 'The Last Phase of The Enclosure of Otmoor', Oxoniensia, Vol. 32 (1967), 34-52.
- Burnett, Joyce, 'The Wages and Employment of Female Day-labourers in English Agriculture 1740-1850', Economic History Review, Vol. 57, No. 4 (2005), 664-90.
- Carter, Paul, 'Enclosure, Waged Labour and the Formation of Class Consciousness; Rural Middlesex c.1700-1835', Labour History Review, Vol. 66, No. 3 (2001), 269-93.
- Chalklin, Christopher, 'The Towns', in Alan Armstrong, (ed.), The Economy of Kent 1640-1914 (Woodbridge: Boydell, 1995), 205-34.
- Clark, Gregory, 'Farm Wages and Living Standards in the Industrial Revolution: England 1670-1869' The Economic History Review, Vol. 54, No. 3 (2001), 477-505.
- Coetzee, Frans, 'The Unwritten Law, Criminal Justice in Victorian Kent by Carolyn Conley', Albion, Vol. 24, No. 1 (1992), 156-7.
- Coleman, D.C., 'Proto-Industrialization: A Concept Too Many', The Economic History Review, New Series, Vol. 36, No. 3 (1983), 435-48.
- Cunningham, Hugh, 'The Decline of Child Labour: Labour Markets and Family Economies in Europe and North America Since 1830', The Economic History Review, Vol. 53, No. 3 (2000), 409-42.
- Digby, Anne, 'The Labour Market and the Continuity of Social Policy after 1834: The Case of the Eastern Counties', The Economic History Review, Vol. 28, No. 1 (1975), 69-83.

Eastwood, David, 'Communities, Protest and Police in early Nineteenth Century Oxfordshire: The Enclosure of Otmoor Reconsidered', The Agricultural History Review, Vol. 44, Part 1 (1996), 35-46.

Engel, Arthur J., "'Immoral Intentions': The University of Oxford and the Problem of Prostitution, 1827-1914", Victorian Studies, Vol. 23, No. 1 (1979), 79-107.

Ewen, Shane, 'Managing Police Constables and Firefighters: Uniformed Public Services in English Cities 1870-1930', International Review Social History, Vol. 51, No. 1 (2006), 41-67.

Feeley, Malcolm M. and Deborah L. Little 'The Vanishing Female: The Decline of Women in the Criminal Process, 1867-1912', Law and Society Review, Vol. 25, No. 4 (1991), 719-98.

Fitzpatrick, David, Irish Emigration in the Later Nineteenth Century, Irish Historical Studies, Vol. 22, No. 86 (1980), 126-43.

Floud, R. And K.W. Wachter, 'Poverty and Physical Stature: Evidence on the Standard of Living of London Boys 1770-1870', Social Science History, Vol. 6, No. 4 (Autumn, 1982), 422-52.

Foucault, Michel, 'Discipline and Punish', in Rivkin, Julie and Michael Ryan, Literary Theory: An Anthology (Oxford: Blackwell Publishing, 2002), 464-87.

Foucault, Michel, 'The Subject and Power', Critical Inquiry, Vol. 8, No. 4 (1982), 777-95.

Fox, A. Wilson, 'Agricultural Wages in England and Wales during the Last Fifty Years', Journal of the Royal Statistical Society, Vol. 66, No. 2 (1903), 273-59.

Friedlander, Dov. Ben Eliahu Moshe, 'Occupations, Migration, Sex Ratios, and Nuptiality in Nineteenth Century English Communities: Models of Relationships', Demography, Vol. 23, No. 1 (1986), 1-12.

Gazeley, Ian, 'The Cost of Living for Urban Workers in Late Victorian and Edwardian Britain', The Economic History Review, Vol. 42, No. 2 (1989), 207-21.

Gillie, Alan, 'The Origin of the Poverty Line', The Economic History Review, Vol. 49, No. 4 (1996), 715-30.

Gomersall, Meg, 'Education for Domesticity? A Nineteenth Century Perspective on Girls Schooling and Education', Gender and Education, Vol. 6, No. 3 (1994), 235-47.

Goose Nigel, 'Poverty, Old Age and Gender in Nineteenth-Century Hertfordshire', Continuity and Change, Vol. 20, No. 3 (2005), 351-84.

- Gorsky, Martin, “‘James Tuckfield’s Ride’: Combination and Social Drama in Early Nineteenth-Century Bristol’, Social History, Vol. 19: No 3 (1994), 319-38.
- Graff, Harvey J., “‘Pauperism, Misery, and Vice’: Illiteracy and Criminality in the Nineteenth Century’, Journal of Social History, Vol. 11, No. 2 (1977), 245-68.
- Griffin, Carl J. “‘Policy on the Hoof’: Sir Robert Peel, Sir Edward Knatchbull and the Trial of the Elham Machine Breakers, 1830’, Rural History, Vol. 15, No. 2 (2004), 127-48.
- Haines, Robin, ‘The Idle and the Drunken Won’t Do There: Poverty, The New Poor Law And Nineteenth Century Government-Assisted Emigration To Australia From the United Kingdom’, Australian Historical Studies, Vol.28, No. 108 (1997), 1-21.
- Hanly, Margaret, ‘The Economy of Makeshifts and the Poor Law: A Game of Chance?’, in Alannah Tomkins and Steven King (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003), 76-99.
- Harte, Thomas J., ‘The Use of Parish Records in Social Research’, The American Catholic Sociological Review, Vol. 19, No. 2 (1958), 113-23.
- Hart, Jennifer, ‘Reform of the Borough Police, 1835-1856’, The English Historical Review, Vol. 70, No. 276 (1955), 411-27.
- Hastings, Paul, ‘Crime and Public Order’, in Lansberry, Frederick (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 210-48.
- Horn, Pamela, ‘Food Riots in Devon, Somerset and Dorset in November, 1867’, Society for the Study of Labour History, Volume 25, No. 2 (1984), 217-39.
- Horrell, Sara and Jane Humphries, ‘Women’s Labour Force Participation and the Transition to the Male Breadwinner Family, 1790-1865’, Economic History Review, Vol. 48, No. 1 (1995), 89-117.
- Howkins, Alun and Nicola Verdon, ‘Adaptable and Sustainable? Male Farm Service and the Agricultural Labour Force in Midland and Southern England, c. 1850-1925’, Economic History Review, Vol. 61, No. 2 (2008), 467-95.
- Humphries, Jane, ‘Enclosures, Common Rights, and Women: The Proletarianisation of Families in the Late Eighteenth and Early Nineteenth Centuries’, Journal of Economic History, Vol. 50, No. 1 (1990), 17-42.

- Humphries, Jane, 'From Work to Dependence? Women's Experience of Industrialisation in Britain', Economic History Society, Refresh No. 21 (Autumn 1995), 5-8.
- Jackson R.M., 'Stipendiary Magistrates and Lay Justices', The Modern Law Review, Vol. 9, No. 1 (1946), 1-12.
- Johnson, Paul, and Stephen Nicholas, 'Male and Female Living Standards in England and Wales, 1812-1857: Evidence from Criminal Height Records', Economic History Review, Vol. 48, No. 3 (1995), 470-81.
- Jones, D.J.V., 'The Poacher: A Study in Victorian Crime and Protest', The Historical Journal, Vol.22, No. 4 (1979), 825-60.
- Jones, D.J.V., 'The New Police, Crime and People in England and Wales, 1829-1888', Transactions of the Royal Historical Society, Vol. 33 (1983), 151-68
- Jones, E.L., 'The Agricultural Labour Market in England, 1793-1872', The Economic History Review, Vol. 17, No. 2 (1964), 322-38.
- Jones, Peter, 'Swing, Speenhamland and Rural Social Relations: the 'Moral Economy' of the English crowd in the Nineteenth Century', Social History, Volume 32 (2007), 271-90.
- Kilday, A., "'Criminally Poor?'" Investigating the Link Between Crime and Poverty in Eighteenth Century England', in King, Steve A. and Richard M. Smith (eds.), Poverty, Poor Relief and Welfare in England from the 17th to the 20th Century (Woodbridge: Boydell, forthcoming 2011).
- King, Peter, 'Customary Rights and Women's Earnings: The Importance of Gleaning to the Rural Labouring Poor, 1750-1850', The Economic History Review, Vol. 44, No. 3 (1991), 461-76.
- King, Peter, 'The Summary Courts and Social Relations in Eighteenth Century England', Past and Present, No. 183 (2004), 125-72.
- King, Peter, 'Gleaners, Farmers and the Failure of Legal Sanctions in England 1750-1850', Past and Present, No. 125 (1989), 116-50.
- King, Steven, 'Making the Most of Opportunity: The Economy of Makeshifts in the Early Modern North', in Tomkins, Alannah and Steven King (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003), 228-57.

King, Steven and Alannah Tomkins, 'Conclusion', in King, Steven and Alannah Tomkins (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003), 258-79.

Lacombe, Dany, 'Reforming Foucault: A Critique of the Social Control Thesis', The British Journal of Sociology, Vol. 47, No. 2 (1996), 332-5.

Landau, Norman, 'Summary Conviction and the Development of the Penal Law', Law and History Review, Vol. 23, No. 1 (2005), 173-89.

Lane, Penelope, 'Work On The Margins: Poor Women and The Informal Economy Of Eighteenth And Early Nineteenth-Century Leicestershire', Midland History, Issue 22 (1997), 85-99.

Landberry, Frederick, 'Tempered Despotism? The Government of the County', in Frederick Landberry (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 33-62.

Levine-Clark, M., 'Engendering Relief: Women and Ablebodiedness, and the New Poor Law in Early Victorian England', Journal of Women's History, Vol.11, No 4 (2000), 107-30.

Lubenow, W.C., 'Social Recruitment and Social Attitudes: The Buckinghamshire Magistrates, 1868-1888', The Huntington Library Quarterly, Vol. 40, No. 3 (1977), 247-68.

Lunn, Kenneth and Ann Day, 'Introduction', History of Work Labour Relations In The Royal Dockyards (London: Mansell Publishing Ltd, 1999), 1-21.

MacKay, Lynn, 'Why They Stole: Women in the Old Bailey, 1779-1789', Journal of Social History, Vol. 32, No. 3 (1999), 623-39.

MacKinnon, Mary, 'Poverty and Policy: The English Poor Law, 1860-1910', The Journal of Economic History, Vol. 46. No. 2 (1986), 500-2.

Mayhew, Henry, 'Prostitution Among Needlewomen', in J.M. Golby, Culture and Society in Britain: A Source Book of Contemporary Writings (Oxford: Oxford University Press, 1992), 7-9.

Maynard, Mary, 'Linda Mahood The Magdalenes: Prostitution in the Nineteenth Century', Labour History Review, Vol. 56, No. 1 (1991), 66-7.

McConville, Sean, 'Local Justice: The Jail', in Norval Morris and David J. Rothman, The Oxford History of The Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), 266-4.

- McConville, Sean, 'The Victorian Prison: England, 1865-1965', in Norval Morris and David J. Rothman, The Oxford History of The Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), 117-50
- Mc Gown, Randall, 'The Unwritten Law: Criminal Justice in Victorian Kent by Carolyn Conley', The American Journal of Legal History, Vol. 38, No. 1 (1994), 93-4.
- McGowen, Randall, 'The Well-Ordered Prison: England, 1780-1865', in Norval Morris and David J. Rothman (eds.), Oxford History of The Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), 71-99.
- Melling, Elizabeth, 'County Administration in Kent, 1818-1914', in Lansberry, Frederick (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 249-83.
- Mendels, Franklin F., 'Proto-Industrialization: The First Phase of the Industrialization Process', The Journal of Economic History, Vol. 32, No. 1, (1972), 241-61.
- Mingay, Gordon, 'Agriculture', in Landberry, Frederick (ed.), Government and Politics in Kent, 1640-1914 (Woodbridge: Boydell Press, 2001), 51-83.
- Morris, Norval and David, J. Rothman, 'Introduction' in Morris, Norval and David, J. Rothman, The Oxford History of The Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), vii-ix.
- Morriss, Roger, 'Government and Community: The Changing Context of Labour Relations, 1770-1830', History of Work Labour Relations In The Royal Dockyards (London: Mansell Publishing Ltd, 1999), 21-40.
- Musgrove, F., 'Middle-Class Education and Employment in the Nineteenth Century', The Economic History Review, Vol. 12, No. 1 (1959), 99-111.
- Nolan, Janet, 'Ruth-Ann M. Harris', 'The Nearest Place that Wasn't Ireland: Early Nineteenth Century Irish Labor Migration', The American History Review, Vol. 101, No. 2 (1996), 500-1.
- Ogborn, Miles, 'Discipline, Government and Law: Separate Confinement in the Prisons of England and Wales, 1830-1877', Transactions of the Institute of British Geographers, Vol. 20, No. 3 (1995), 295-311.
- Ogborn, Miles, 'Local Power and State Regulation in Nineteenth Century Britain', Transactions of the Institute of British Geographers, Vol. 17, No. 2 (1992), 215-26.

Oppenheim, Janet, 'The Unwritten Law: Criminal Justice in Victorian Kent. By Carolyn A. Conley', Journal of Social History, Vol. 26, No. 2 (1992), 406-7.

Philips, David, 'A Weak State? The English State, the Magistracy and the Reform of Policing in the 1830s', English Historical Review, Vol. 119, No. 483 (2004), 873-91.

Preston, James, 'ii Industry 1800-1914', in Alan Armstrong (ed.), The Economy of Kent 1640-1914 (Woodbridge: Boydell and Brewer Ltd, 1995), 110-23.

Radzinowicz, Leon and Roger Hood, 'Judicial Discretion and Sentencing Standards: Victorian Attempts to Solve a Perennial Problem', University of Pennsylvania Law Review, Vol. 127, No. 5 (1979), 1288-1349.

Radzinowicz, L. 'Trading in Police Services: An Aspect of the Early 19th Century Police in England', University of Pennsylvania Law Review, Vol. 102, No. 1 (1953), 1-30.

Randall, Adrian and Andrew Charlesworth 'The Moral Economy: Riots, Markets and Social Conflict', in Randall, Adrian and Andrew Charlesworth (eds.), Moral Economy and Popular Protest: Crowds, Conflicts and Authority (Basingstoke, Macmillan Press Ltd, 2000).

Reay, Barry, 'The Context and Meaning of Popular Literacy: Some Evidence from Nineteenth-Century Rural England', Past and Present, Vol. 131, No. 1 (1991), 89-129.

Richardson, T.L 'The Agricultural Labourers' Standards of Living in Lincolnshire, 1790-1840: Social Protest and Public Order', Agricultural History Review, Vol. 41, No. 1 (1993), 1-19.

Rothman, David, J. 'Perfecting the Prison: United States, 1789-1865', in Norval Morris and David J. Rothman (eds.), The Oxford History of The Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), 100-16.

Schwarz, Leonard, 'English Servants and Their Employers during the Eighteenth and Nineteenth Centuries', The Economic History Review, Vol. 52, No. 2 (1999), 236-56.

Sellin, Thorsten, 'The Historical Background of Our Prisons' Annals of the American Academy of Political and Social Science, Vol. 157 (1931), 1-5.

Seal, Graham, 'Tradition and Agrarian Protest in Nineteenth-Century England and Wales', Folklore, Vol. 99, No. 2 (1988), 146-69.

- Shoemaker, Robert, B., 'The Old Bailey Proceedings and the Representations of Crime and Criminal Justice in Eighteenth-Century London', The Journal of British Studies, Vol. 47, No. 3 (2008), 559-80.
- Shore, Heather, "'An Old Offender tho' So Young in Years": The Criminal Careers of Juvenile Offenders in Middlesex in the 1830s', in Tim Hitchcock; Peter King and Pamela Sharpe (eds.), Chronicling Poverty The Voices and Strategies of the English Poor, 1640-1840 (Basingstoke: Macmillan Press Ltd, 1997), 192-210.
- Shore, Heather, 'Crime, Criminal Networks and the Survival Strategies of the Poor in Early Eighteenth Century London', in Steven King and Alannah Tomkins (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003), 137-65.
- Shpayer-Makov, Haia, 'The Making of a Police Labour Force', Journal of Social History, Vol. 24, No. 1 (1990), 109-34.
- Smith, Bruce P., 'The Presumption of Guilt and the English Law of Theft, 1750-1850', Law and History Review Spring, Vol. 23, No. 1 (2005), 133-172.
- Smith F. B., 'The Contagious Diseases Acts Reconsidered', Social History of Medicine, Vol.3 Number 2 (1990), 197-215.
- Snell, K.D.M., 'The Culture of Local Xenophobia', Social History, Vol. 28, No 1 (2003), 1-30.
- Sokoll, Thomas, 'Old Age in Poverty: The Record of the Essex Pauper Letters, 1780-1834', in Tim Hitchcock; Peter King and Pamela Sharpe (eds.), Chronicling Poverty The Voices and Strategies of the English Poor, 1640-1840 (Basingstoke, Macmillan Press Ltd, 1997), 127-54.
- Spirenburg, Peter, 'The Body and the State: Early Modern Europe', in Norval Morris and David J. Rothman, The Oxford History of The Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), 44-70.
- Stansfeld, James, 'On the Validity of the Annual Government Statistics of the Operation of the Contagious Diseases Acts', Journal of the Statistical Society of London, Vol. 39, No. 3 (1876), 540-72.
- Storch, Robert, D., 'Popular Festivity and Consumer Protest: Food Price Disturbances in the Southwest and Oxfordshire in 1867', Albion, Vol. 14. No. 3 (1998), 209-34.
- Swift, Roger, 'The English Urban Magistracy and the Administration of Justice During the Early Nineteenth Century: Wolverhampton 1815-1860', Midland History, Vol.18 (1992), 75-92.

Tanner, Andrea, 'The Casual Poor and the City of London Poor Law Union, 1837-1869', The Historical Journal, Vol. 42, No. 1 (1999), 183-206.

Taylor, David, 'Conquering the British Ballarat: The Policing of Victorian Middlesbrough', The Journal of Social History, Vol. 37, No. 3 (2004), 755-71.

Taylor, Howard, 'Rationing Crime: The Political Economy of Criminal Statistics since the 1850s', The Economic History Review, Vol. 51, No. 3 (1998), 569-90.

Taylor, Lynn, 'Food Riots Revisited', Journal of Social History, Vol. 30, No. 2 (1996), 483-96.

Taylor, Paul Newton, "'Very Active in the Riot": A disturbance on Romney Marsh in 1821', Family and Community History, Vol. 7 No. 2 (2004), 100-14.

Tomkins, Alannah and Steven King, 'Introduction', in Steven King and Alannah Tomkins (eds.), The Poor in England 1700-1850 An Economy of Makeshifts (Manchester: Manchester University Press, 2003), 1-38.

Turnbull, Gerald, 'Canals, Coal and Regional Growth during the Industrial Revolution', The Economic History Review, Vol. 40, No.4 (1987), 537-60.

Verdon, Nicola, 'The Rural Labour Market in the Early Nineteenth Century; Women's and Children's Employment, Family Income, and the 1834 Poor Law Report', Economic History Review, Vol. 55, No. 2 (2002), 299-323.

Vorspan, Rachel, 'Vagrancy and the New Poor Law in Late-Victorian and Edwardian England', The English Historical Review, Vol. 92, No. 362 (1977), 59-81.

Yamamoto, Chiaki, 'Two Labour Markets in Nineteenth-Century English Agriculture: The Trentham Home Farm, Staffordshire', Rural History, Vol. 15, No. 1 (2004), 89-116.

Wach, Howard M., 'Unitarian Philanthropy and Cultural Hegemony in Comparative Perspective: Manchester and Boston, 1827-1848', Journal of Social History, Vol. 26. No. 3 (1993), 539-57.

Walkowitz, Judith, R. and Daniel J. Walkowitz, "'We Are Not Beasts of the Field": Prostitution and the Poor in Plymouth and Southampton under the Contagious Disease Acts', Feminist Studies, Vol. 1, No. 3 (1973), 73-106.

Walter, John and Roger Schofield, 'Famine, Disease and Crisis Mortality in Early Modern Society', in John Walter and Roger Schofield, Famine, Disease and the Social Order in Early Modern Society (Cambridge: Cambridge University Press, 1991), 1-74,

- Warner, Jessica and Frank Ivis, 'Informers and Their Social Networks in Eighteenth-Century London', Social Science and History, Vol. 25, No. 4 (2001), 563-87.
- West, Edwin G., 'Literacy and the Industrial Revolution', Economic History Review, Vol. 31, No. 3 (1978), 1-20.
- Whetham, Edith H. 'Livestock Prices in Britain, 1851-93', The Agricultural History Review, Volume 11, Part 1 (1963), 27-35.
- Williams, Samantha, 'Earnings, Poor Relief and the Economy of Makeshifts; Bedfordshire in the Early Years of the New Poor Law', Rural History, Vol. 16, No. 1 (2005), 21-52.
- Woodward, Nicholas, 'Seasonality and sheep stealing: Wales, 1730-1830', Agricultural History Review, Vol. 56, Part 1 (2008), 25-47.
- Woollacott, Angela, 'Working-Class Girls in Nineteenth-Century England: Life, Work and Schooling by Meg Gomersall', The American Historical Review, Vol. 103, No. 5 (1998), 1592-3.
- Wordie, J. R., 'The Chronology of English Enclosure, 1500-1914', The Economic History Review, Vol. 36, No.4 (1983), 483-505.
- Wordsworth, Dorothy, 'From the Grasmere Journals, Friday 3 October 1800 (extract)', in Wu, Duncan, (ed.), Romanticism An Anthology (Oxford: Blackwell Publishing Ltd, 2004), p.433.
- Zangerl, Carl H.E., 'The Social Composition of the County Magistracy in England and Wales 1831-1887', The Journal of British Studies, Vol. 11, No. 1 (1971), 113-25.
- Zedner, Lucia, 'Wayward Sisters: The Prison for Women', in Norval Morris and David J. Rothman (eds.), The Oxford History of The Prison The Practice of Punishment in Western Society (Oxford: Oxford University Press, 1998), 295-324.

Unpublished Material

- Barker-Read, M. The Treatment of the Aged Poor in Five Selected West Kent Parishes From Settlement to Speenhamland, 1662-1797 (Unpublished Ph.D Thesis, Open University, 1988).
- Eastwood, D. Governing Rural England. Authority and Social Order in Oxfordshire, 1780-1840 (Unpublished D. Phil., Oxford University, 1985).

Hill, J. Poverty, Unrest and the Response in Surrey, 1815-1834 (Unpublished Ph.D Thesis, Roehampton University, 2006).

Langton, J. The Geography of Poor Relief in Rural Oxfordshire, 1775-1832 (Unpublished Paper).

Thomas, E.G. The Treatment of Poverty in Berkshire, Essex and Oxfordshire, 1732-1834 (Unpublished Ph.D Thesis, University of London, 1970).

Web Resources

<http://www.archive.org/>

<http://books.google.com/>

<http://www.british-history.ac.uk>

http://www.buckscc.gov.uk/bcc/archives/ea_libprisoners.page

<http://www.clarku.edu/faculty/jbrown/papers/shpayer.pdf>

<http://freepages.genealogy.rootsweb.ancestry.com/>

<http://find.galegroup.com/>

<http://www.history.ac.uk/resources/e-seminars/munck-paper>

<http://www.midlandhistory.bham.ac.uk/issues/1982/emsleyc.pdf>

<http://pa.oxfordjournals.org/cgi/reprint/IX/1/106.pdf>

<http://www.oxforddnb.com/view/article/784>

<http://www.picturesofengland.com>

<http://search.ancestry.co.uk>

<http://www.victorianlondon.org>

<http://www.victorianweb.org>

<http://www.workhouses.org.uk/>